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ABSTRACT

Programs to supplement government efforts in Indian education were explored in three days of hearings held in September and October of 1977. The first two days of testimony involved bilingual and bicultural aspects of Indian education. Appearing first were officials from the Department of Health, Education and Welfare Office of Bilingual Education and the Bureau of Indian Affairs Office of Indian Education Programs. Both men explained their departments' past and current efforts in bilingual education. Witnesses from local and state level groups involved in Indian education plus other representatives of federal government and national organizations also testified. A dominant theme of much of the testimony was the need to expand bilingual education to include cultural preservation, especially the preservation of the Indian dialects and languages. Other needs cited included expansion of research and cultural studies, undergraduate programs for training Native American bilingual instructors, certification of native speakers, development of on-site curriculum materials, and additional centers for creating and disseminating bilingual materials. The third day of hearings was concerned with P.L. 92-318, the Indian Education Act. Witnesses lauded the spirit of the act and its accomplishments, but suggestions for improvement included: (1) federal funding to teach cultures; (2) research authority; (3) changes in entitlement formulas; and (4) technical assistance to parent committees. (DS)

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INDIAN EDUCATION—OVERSIGHT
Part I: Supplemental Programs

HEARINGS

BEFORE THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION

OF THE

COMMITTEE ON EDUCATION AND LABOR
HOUSE OF REPRESENTATIVES

NINETY-FIFTH CONGRESS

FIRST SESSION

HEARINGS HELD IN WASHINGTON, D.C.,
SEPTEMBER 16, 20, AND OCTOBER 7, 1977

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CARL D. PERKINS, *Chairman*

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3

CONTENTS

Page

Hearings held in Washington, D.C.:

September 16, 1977 ... 1
September 20, 1977 ... 125
October 7, 1977 ... 263

Statement of—

Bistline, Dean, Assistant Director, Office of Bilingual Education, Office of Education, Department of Health, Education, and Welfare ... 2
Bordeaux, Leland, superintendent, St. Francis School, St. Francis, S.Dak ... 369
Demmert, William, Director, Office of Indian Education Programs, Bureau of Indian Affairs ... 60
Dupris, Joe, Director, Coalition of Indian Controlled School Boards, accompanied by Betty Gress, assistant director, Coalition of Indian Controlled School Boards ... 366
Edge, Ms. Pam, chairperson, Western Oklahoma Indian Education Coalition ... 370
Gipp, Dr. Gerald, Director, Office of Indian Education, USOE, accompanied by Dr. Harry L. Phillips, Herb Jacobson and William Floyd ... 289
Henderson, Lloyd, Director, Elementary and Secondary Education Division, Office of Civil Rights ... 172
Hofbauer, Mary, Minnesota Chippewa Tribe ... 373
Lawrence, Gay, education program specialist, Division of Indian Education, Arizona Department of Education ... 155
Leap, William, director, Indian Education Program, Center for Applied Linguistics ... 110
John, Maurice, director, Seneca Nation Education program, accompanied by John Holden, program coordinator ... 142
Thomas, Celia, coordinator of Indian education, Educational Service District 121, State of Washington ... 372
Thomas, Jeanne, director, JOM Consortium of Parents, Yakima Reservation ... 105
Tonemah, Stuart A., executive director, National Advisory Council on Indian Education; accompanied by Jim Sappier, council member ... 111
Tonemah, Stuart, executive director, National Advisory Council on Indian Education; accompanied by Theodore George, council member, and Donna Rhodes, council member ... 336

Prepared statements, letters, supplemental materials, et cetera—

Bistline, Dean, executive assistant, Office of Bilingual Education, Department of Health, Education, and Welfare, letter dated October 28, 1977, with attachments ... 17
Bordeaux, Leland, executive director, St. Francis Indian School, Rosebud Sioux Reservation, S. Dak., letter dated October 7, 1977 to Chairman Perkins ... 362
Cross, Christopher, minority senior education advisor, information requested ... 306
Demmert, William, Dr., Director, Office of Indian Education Programs, Bureau of Indian Affairs, Department of Interior, statement of ... 43
Dupris, Joe, executive director, Coalition of Indian-Controlled School Boards, Inc., statement submitted on behalf of ... 351
Edge, Pam, chairperson, Western Oklahoma Indian Education Coalition, testimony of ... 364
Emanuel, information submitted by ... 303
Gipp, Dr. Gerald E., Deputy Commissioner, Office of Indian Education, U.S. Office of Indian Education, Department of Health, Education, and Welfare:
  Responses to written questions ... 311
  Statement of ... 264

Prepared statements, letters, supplemental material, etc.—Continued

Page
- Henderson, Lloyd R., Director, Elementary and Secondary Education Division, Office for Civil Rights:
  - Responses to written questions ____ 195
  - Statement of ____ 173
- Jacobson, Herb, information submitted by ____ 299
- John, Maurice, executive board member, Coalition of Indian-Controlled School Boards, Inc., statement submitted on behalf of ____ 126
- Keeble, Blossom, Dr., Indian educator, Sisseton-Wahpeton Sioux Tribe, Lake Traverse, Sisseton, S. Dak ____ 259
- Lawrence, Gay, education program specialist, division of Indian education, Arizona Department of Education:
  - Prepared testimony of ____ 145
- Leap, William L., director, Indian Education Program Center for Applied Linguistics, Arlington, Va., statement of ____ 71
- Minneapolis Public Schools, Indian Education Department:
  - Letter dated October 5, 1977, to chairman and subcommittee members ____ 392
  - Statement of ____ 396
- Minnesota Chippewa Tribe, testimony of ____ 383
- Powhatan Nation, Moorestown, N.J., letter dated October 17, 1977, to Chairman Perkins ____ 399
- Rogers, Margaret L., director, Indian Education Program, Yakima Public Schools, Wash.:
  - Letter dated October 6, 1977, to Dr. Gipp ____ 402
  - Testimony of ____ 407
- Tonemah, Stuart A., executive director, National Advisory Council on Indian Education, testimony of ____ 98, 319

INDIAN EDUCATION—OVERSIGHT

Part I: Supplemental Programs

FRIDAY, SEPTEMBER 16, 1977

House of Representatives,
Subcommittee on Elementary, Secondary, and
Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 8:30 a.m., in room 2257, Rayburn House Office Building, Hon. Michael Blouin, presiding.

Members present: Representatives Blouin, Mottl, Kildee, and Quie.

Staff present: Alan Lovesee, majority counsel; John Forkenbrock, majority staff director; Scherri Tucker, majority staff assistant clerk; Jeff McFarland, majority staff research assistant; Christopher Cross, minority senior editorial consultant; and Jennifer Wysong, minority staff.

Mr. Blouin. The subcommittee will come to order.

We thank those who are here for coming this morning.

The Subcommittee on Elementary, Secondary, and Vocational Education, in conjunction with the Advisory Study Group on Indian Education, is conducting a series of oversight hearings on Indian education. The hearings today and on Tuesday, September 20, will be on bilingual/bicultural education problems.

The Advisory Study Group was established by the Education and Labor Committee in February of this year, and is directed to conduct intensive investigations in the Indian education area.

Ultimately, the Advisory Study Group is to formulate any needed legislative changes. In carrying out this mandate, the Advisory Study Group has, to date, held five hearings and has conducted on-site visits to schools, both BIA and public, in New Mexico, Arizona, Oklahoma, South and North Dakota, Inter-Mountain Boarding School in Utah, and Alaska.

Additionally, we have attended meetings with many Indian people in an effort to solicit their input.

To date, the Advisory Study Group has formulated legislative proposals in the field of BIA schools, basic support, and post secondary education. The cooperation of all parties, including other congressional committees, has been gratifying and helpful.

We would especially like to thank minority staff members Yvonne Franklin, Jenny Wysong, Christopher Cross, Bob Andringa, and Charles Radcliffe for the way they have helped in drafting the proposals. Their expertise has been invaluable.

We have come a long way since January, but there is still a long way to go. I hope that the hearings during these next few weeks, and these two hearings on this subject, will help lead to a better understanding of bilingual educational needs, and will help us formulate the best ideas possible.

With these remarks, and with the agreement of the minority staff to proceed at this point, I would like to welcome the witnesses from HEW, Mr. Dean Bistline, Assistant Director of the Office of Bilingual Education, Dr. Rudy Cordoba, Director of Program Development, Office of Bilingual Education, and Dr. Harry L. Phillips.

You folks can start in any way you would like, but we would appreciate it if you would insert your entire statement for the record, and then summarize as you wish.

STATEMENT OF DEAN BISTLINE, ASSISTANT DIRECTOR, OFFICE OF BILINGUAL EDUCATION, OFFICE OF EDUCATION, DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

Mr. Bistline. We have a very short statement, and I would like to read it.

Mr. Blouin. Very well.

Mr. Bistline. Mr. Chairman, and members of the subcommittee: My colleagues and I are most appreciative of the opportunity to appear before you today to discuss the projects, programs, and activities of the Office of Bilingual Education designed to assist the Indian community in better coping with the bilingual-bicultural problems confronted by them.

As you well know the bilingual education program was enacted on January 2, 1968, as a grant program whose primary purpose was to provide financial assistance to local educational agencies to develop and carry out "new and imaginative elementary and secondary school programs" designed to meet the special educational needs of children of limited English-speaking ability who come from low-income families. The appropriations for this program have grown from $7.5 million for fiscal year 1969 to $115.2 million for the current fiscal year.

In keeping with your request my testimony this morning will deal almost entirely with that portion of the bilingual education program which serves Indian populations.

The number of basic programs funded by the Office of Bilingual Education for Indians has grown from one project in 1969 to a total of 38 projects in 1976. Funding, commensurate with this growth, has gone from $98,500 to $3,959,494. At the present time, 28 Indian languages are covered by these basic programs.

In addition to basic programs at the elementary and secondary level, the Office of Bilingual Education provides funding for materials and training centers and fellowships. It also funds institutions of higher education. There are now five centers which develop materials and train personnel for bilingual involving Indian languages.

Funding for the centers totaled $950,000 in 1976. Twenty-seven fellowships for Indian students were granted in 1976 in the amount of $221,000. Data in the attached tables provides more specific information on these programs.

It should be noted that according to the most recent figures available from the Bureau of the Census, Indians represent approximately four-tenths of 1 percent of the total population of this country. Funds obligated by this office in 1976 for all programs impacting on Indians amount to over 4.3 percent of the total funds expended by the program.

It should also be noted that in addition to moneys which come directly from this office, a significant number of Indian people are employed in title VII programs, particularly in the basic programs.

The Office of Bilingual Education has, through participation in meetings with national Indian organizations and other representative Indian groups, attempted to assess the Indian community views as to the specific needs of Indian students in the area of bilingual and bicultural education.

Members of the OBE staff have attended the National Indian Education Conference, the National Advisory Council on Indian Education, and the Native American Bilingual Education Conference. Our Staff members have made presentations and given workshops at these meetings in addition to their general participation.

There has been extensive contact with Indian leaders and others involved with Indian education at other national meetings such as the National Association of Bilingual Educators, TESOL, and the Georgetown Linguistic Roundtable.

In addition, Webster Two-Hawk, past president of the Rosebud Sioux Tribe, is a member of the National Advisory Council on Bilingual Education, which has the legislatively mandated function of advising the Commissioner of Education with respect to policy matters arising in the administration and operation of title VII.

One of the prevalent feelings among tribal groups is that there is a strong need among Indian communities for native language reconstruction and maintenance and that unless this is done, their culture as well as their language will be lost, since the two are inseparable.

The legislative mandate of the Office of Bilingual Education is to fund programs of instruction for children of limited English-speaking ability in their native language prior to their achievement of competence in English. It does not include the reconstruction of a language for children who do not speak their ancestral tongue, nor does it include maintenance of the mother tongue after English proficiency is attained.

It is likely, then, given the limits of the legislation, that some of the language needs of Indian communities may have to be met by other programs such as title IV, The Indian Education Act, and programs of the Bureau of Indian Affairs.

However, within the legal limits of our legislation, we do address many needs of Indian people with our projects. For instance, our projects aid large groups of Indian children who are proficient in their native tongue but lack a competency in the English language necessary to prevent academic retardation. A few examples are the projects serving the Navajos, Eskimos, and Choctaws.

If Indian people are to be self-determining in their lives, options must be available. Proficiency in the English language as well as their native tongue is essential for such options—especially since institutions of higher education in this country predominantly conduct their instructional programs in English.

An excellent example of important educational gains to Indian children made possible by title VII funding is the significant gain in English achievement test scores of fourth and fifth grade Navajo students at Rock Point School in Arizona, which is a BIA contract school, who learned to read in Navajo and continued to receive instruction in Navajo while they learned English.

The bilingual students at Rock Point scored significantly higher in total reading on the Standford Achievement Test than the Navajo students in monolingual BIA schools on the Navajo reservation. The yearly rate of growth of Rock Point students was almost double that of the BIA sample population.

In addition, Indian languages are being revitalized in the sense of helping a child develop additional control of his native language. Many Indian adults have never had this opportunity particularly, in the development of literacy in the native language and, where necessary, the development or revision of orthographies.

In 1974 and 1975, OBE provided a grant to the University of Albuquerque for the organization of two summer Institutes of Linguistics meetings which focused exclusively on the training of Indian leaders to deal with linguistic problems in conducting bilingual programs for Indians.

These institutes involved the development and revision of orthographies, and the necessary related teaching and learning methods for a successful program. In addition, OBE funds centers for materials development, assessment, and dissemination and training for Indian language groups.

Our Office of Bilingual Education has taken strong measures this past year to increase the communication and coordination with the Bureau of Indian Affairs in order that we may further enhance our ability to meet the needs of Indian children.

The Office of Bilingual Education and BIA have gone so far as exchanging staff members on a year's detail so that each agency can learn more about the other's structures and operating procedures. As a result of this, a number of meetings have taken place within recent months between the two offices and it is felt that the results so far have been fruitful.

OBE administers BIA title VII projects as it does all other projects. It communicates directly with local project staff and monitors each project on the same basis. We encourage staff members from BIA, both area and central offices to accompany our staff on site visits.

For fiscal year 1977, OBE has funded 11 projects in BIA schools, nine continuations and two new programs, in six States: New Mexico, South Dakota, North Carolina, Arizona, Florida, and Mississippi, for a total of $1,316,225.

At the present time, OBE and BIA have a memorandum of agreement originally worked out in 1971 covering the participation of BIA schools in title VII programs. A revision of the agreement is being considered due to the reorganization of the Education Office of the BIA and if it is felt that the new structure requires such a revision, it will be accomplished.

The Office of Bilingual Education, as evidenced by the previously described relationship with BIA, has always given our Indian programs and projects serious consideration and attention. We have not assigned a single project officer to be responsible for all Indian education projects.

We believe to do so would not be advantageous, either to the grantee agency or the Office of Bilingual Education. It is felt that the diversity of need among the various Indian tribes and the relationship of the bilingual interests of the Indian people composing these tribes, groups, and organizations are such that their interests are better served by assigning the staffing responsibilities on a regional basis rather than on a national basis.

There are a number of other programs which impact on Indians in the area of bilingual education. Our next annual report, scheduled for submission to you in February 1978, will describe some of these additional programs in considerable detail.

Examples are the programs funded by the Office of Indian Education; ESEA, title I; EEO programs; "Follow Through"; and "Right-to-Read." The Indian Education Act, for example, provides funding for instructional materials and curriculum improvement.

In summary, we feel that our Office of Bilingual Education has over the years become increasingly sensitive to the needs of Indian students, both those on reservations and those in the Nation's public schools. We will continue to seek input from tribal groups and Indian organizations, and insofar as possible given the limitations of title VII legislation, respond to what the Indian community feels is necessary for the optimum educational development of their children.

Mr. Chairman, this concludes my statement. We will be glad to respond to any questions you or other members of the subcommittee may wish to present.

Mr. BLOUIN. Thank you very much.

Would you describe for us the organization of the Bilingual Education Office with regard to servicing Indian children?

Mr. BISTLINE. I think I mentioned it briefly in the statement. We have an office consisting of three divisions. Dr. Cordoba heads the Division of Program Development. We have a division of elementary and secondary school operations, in which most of the Indian projects are located, and a division of post secondary education in which we do fund programs for training. These divisions jointly work on Indian projects. We do not have set aside, as I pointed out, a single operating entity that deals with Indians.

Mr. BLOUIN. How do your different divisions interact? Is there any kind of formal structure for the lines of interdepartmental communication?

Mr. BISTLINE. The informal operating structures are constantly in contact with each other on program operations. They attempt to set up operations so that they support each other in site visits, monitoring, and meetings on anything related to the Indians as well as our other programs. We have a rather small office, Congressman; it only has 50 people.

Mr. BLOUIN. What is the size of your budget?

Mr. BISTLINE. Our program budget or our operating budget?

Mr. BLOUIN. Your operating budget.

Mr. BISTLINE. About $175,000.

Mr. BLOUIN. What is the size of the overall staff?

Mr. BISTLINE. Fifty.

Mr. **Blouin.** How many of those 50 who are in positions that have any control over Indian tribes or Indians are Indian?

Mr. **Cordoba.** We do not have a native American on the staff, or an Indian on the staff.

Mr. **Blouin.** You have 50 staff, and there is not a single Indian on the staff?

Mr. **Cordoba.** We have a young lady, Robin Pasqual, who works in the Program Development Division, who is an Indian.

Mr. **Blouin.** How long has it been this way?

Mr. **Bistline.** Since the creation of the office. I don't think that we have ever had an Indian American on our staff.

Mr. **Blouin.** Has there ever been an effort to improve that situation?

Mr. **Bistline.** Yes; we have made efforts to improve it.

Mr. **Blouin.** Can you explain those efforts?

Mr. **Bistline.** Every time we advertise a position, we have encouraged Native Americans to apply. We have sought them out. Frankly, we have not been successful in getting them to apply.

Mr. **Cordoba.** We have two applications pending right now.

Mr. **Blouin.** Have you had applications pending in the past from native Americans?

Mr. **Bistline.** I cannot speak to that, sir, but I will find out for you.

Mr. **Blouin.** What percentage of those with bilingual needs are Indian, to your knowledge?

Mr. **Bistline.** We estimate 700,000 Indians in the country, and the total population would be a little over 1 million, according to a recent survey. I cannot answer your question. Perhaps Mr. Cordoba can answer it.

Mr. **Cordoba.** The National Center for Educational Statistics, in attempting to respond to the mandate of the legislation, has been conducting a study, or a survey, to assess the number of linguistic groups that we have out there. But the native American group was not a group included in the last initial survey.

It was just a sampling of about 45,000 families that they did. The reason for that is simply that they were going in—my understanding is that they were going in, taking a sampling of 5,000 or more in order to identify particular linguistic groups. My understanding of this, from speaking with the National Center for Educational Statistics, is that in areas where you have small populations, they were unable to get a good sampling in order to be reflective of that.

The final survey is underway now, and we are hoping, and we have requested, that they give us some information on the number of Indians who are in need of Indian education specifically, to identify probably the first five or six groups.

Mr. **Blouin.** Do I understand that there was a sample done of 50,000 bilingual students.

Mr. **Cordoba.** It was 45,000 families, and this was done by the National Center for Educational Statistics. The sampling did not include the native Americans.

Mr. **Blouin.** Why?

Mr. **Cordoba.** I could not answer that. The National Center for Educational Statistics conducted the survey.

Mr. **Blouin**. Is that a national agency?

Mr. **Cordoba**. It is a separate entity.

Mr. **Blouin**. Did you ask them why?

Mr. **Cordoba**. Yes.

Mr. **Blouin**. They have not given you an answer?

Mr. **Cordoba**. The answer I gave you: That they did not have a large enough sampling to actually show any figures. That is the answer we have. Now there is another study that is going on now by the National Center for Educational Statistics to give us some more updated figures. We have been relying on those figures to determine the number of children in need of bilingual education. In their survey to be completed sometime early in the winter, they are supposed to deliver some figures to us, and I don't know what those will reflect.

Mr. **Blouin**. We may get back to you on that whole area. I am reasonably sure we will. I am not satisfied with the lack of information.

What percentage of the bilingual budget is spent on Indians?

Mr. **Bistline**. It is 4.6 percent, which is in the statement I made.

Mr. **Blouin**. You are going to supply us with the number of—the percentage of bilinguals that are Indians, in terms of their needs.

Mr. **Bistline**. Right.

Mr. **Blouin**. In your opinion, do you think the law ought to be changed the way it is worded today, to allow for maintenance programs? As I understand it, there are legal barriers to that.

Mr. **Bistline**. That whole issue is being reviewed by the Secretary's Task Force, and I would not want to hazard a guess as to what our position will be.

Mr. **Blouin**. You do not have an opinion on that?

Mr. **Bistline**. I have a personal opinion, would you like that?

It would be extremely expensive to go maintenance. The estimate of the task force is about $1.5 billion a year in a maintenance program for bilingual in the country. We are talking about 3.6 million youngsters.

Mr. **Blouin**. Is there any way of bringing out of that figure what part would be for the Indian population; if we could take that 4.6 percent and translate it.

Mr. **Bistline**. Rudy, do you think we could?

Mr. **Cordoba**. Let me get your question correctly. You want to break out of the total budget a percentage——

Mr. **Blouin** [continuing]. Of the cost of the maintenance program, which would be $1.5 billion. What I am trying to determine is, from that estimate, what would the cost of a maintenance program strictly for the Indian population be?

Mr. **Cordoba**. That would be very difficult without any substantive data. Without the data, we would be hard pressed to be able to arrive at that.

Mr. **Blouin**. How did you arrive at that figure?

Mr. **Cordoba**. The 3.6 million children reported by the National Center for Educational Statistics in their survey, is the number of children in need of bilingual education. We use that as a base figure.

Mr. **Blouin**. In that figure, how many of those are Indian?

Mr. **Cordoba**. That is the point that we made to you earlier. There is no identification within that particular study of native Americans or Indians per se.

Mr. BLOUIN. I am missing something. I don't know how you arrived at the figure, unless you added up some totals somewhere.

Mr. CORDOBA. I want you to understand correctly that we rely on the National Center for Educational Statistics to do the surveys. We take the figures in order to arrive at estimates of what basically is taking place there. When they did the sampling, which is the first thing they did, they gave us a figure, and they said: "According to our best sampling techniques that we have right now, the number of children that are in need of bilingual education is 3.6 million."

Now, the data as included in last year's report to Congress, where the breakdowns by particular linguistic groups were made, that came from the National Center for Educational Statistics.

Mr. PHILLIPS. The situation is as follows, but I would like the opportunity to refine it a bit later. The NCES has made the survey of the youth of the Nation as a whole with the exception of the Indian populations that are in need of bilingual/bicultural educational activities. Therefore, the national universe amounts to about 3.6 million. Based on the assumption that that there is some disagreement——

Mr. BLOUIN. That is 3.6 million non-Indian students.

Mr. PHILLIPS. That is right.

Based on the assumption that there are between 150,000 or 200,000 Indian students who would have this need, it would equate out at about 1/20th, which would be about 5 percent. Therefore, you can get some gross estimates of Indian needs in this area by utilizing the 5 percent of the universe kind of problem, which is the 3.6 million students, of the $1.5 billion which was addressed earlier. This is the roughest, grossest kind of estimate that we would like to spend a little time on refining.

Mr. BLOUIN. Where did your estimate of 150,000 to 200,000 come from?

Mr. PHILLIPS. If we utilize the Indian Education Act estimate of Indian population coupled with the BIA estimates, this is the general ballpark figure, if I understand it correctly.

Mr. BLOUIN. Let me also ask, on the 3.6 million non-Indian students that have a bilingual need, can you give me some idea of how that figure was arrived at, not in terms of amount, but in terms of identifying need? Did they assume that there had to be a certain number of students in a given area in order to be counted into it, or what?

Mr. CORDOBA. There was a survey that was appended to the census, and in that particular survey there was a questionnaire that was developed, and which had heads of household that had been interviewed, and were asked particular questions as to what language they spoke in that particular family, the number of children, and the language that they also would be speaking.

From there, they obtained the interpolation of the 3.6 million that they have, using their own scientific method of interpolating the figures from that particular sampling. They made it known that it was strictly a sampling, and it was a first figure in order to, at least, help us move in that direction of identifying the size of the population that we had out there.

This is something, Mr. Chairman, if I may suggest, that the National Center for Educational Statistics would be in a better position to respond to, since they did run the survey. I know that we questioned them on it, and we were told that it did not reflect the Indian population in that initial sampling of people.

Mr. **Blouin.** We are either going to get them in here, or submit some questions to them. The very least we should do is get a copy of that sample and see how it was arrived at, and know what we are starting from, at least.

Mr. Kildee, do you have any questions?

Mr. **Kildee.** No; Mr. Chairman.

Mr. **Blouin.** At this point, I would like to allow the staff to ask questions from both sides.

Mr. **Cross.** Thank you, Mr. Chairman.

Mr. Bistline, how does the office coordinate within the Office of Education?

Mr. **Bistline.** Mr. Cordoba will answer that question.

Mr. **Cordoba.** The only coordination that we have had up to this point has been through the coordinating council that involves the different programs within the Office of Education. We have had only two meetings of the council up to this point, and that has been the method by which we have attempted to arrive at some coordination.

Mr. **Cross.** It is true, however, that bilingual programs could be funded by title I, and Indian Education Act could be used for bilingual programs as well as bicultural programs, isn't that right?

Mr. **Cordoba.** I believe it is.

Mr. **Cross.** So the indication of what you are funding out of your office is not necessarily an indication of what is being funded with Federal money in bilingual education?

Mr. **Bistline.** We will provide for you an estimate of what we have, or what we can identify as bilingual education monies and programs, other than ours. I will be glad to give you that information.

Mr. **Cross.** Section 722 of the Bilingual Education Act calls for the development by the commission of criteria to be used in connection with grants from the Secretary of the Interior for BIA bilingual programs.

Mr. **Cordoba.** I believe the criteria being referred to here, you are talking about the criteria used for the granting of awards to the competitors for particular grants.

Mr. **Cross.** You have no special criteria that relate to BIA?

Mr. **Cordoba.** Not especially, no, sir.

Mr. **Cross.** Upon reading of the section 722, wouldn't you say that this is being called for? To expedite the hearing, you might want to respond to that for the record.

Mr. **Cordoba.** I would prefer to do it that way, if I may, sir.

Mr. **Cross.** What would your reaction be to having the BIA made a State education agency under the act, so that they would be eligible for technical assistance funds or State administration funds?

Mr. **Cordoba.** This is one of the pressing problems that we have had in getting an agreement between the Office of Education and the Bureau of Indian Affairs insofar as the determination as to whether or not they are entitled to receive moneys according to the process that is indicated in the legislation.

From our particular perspective, we have seen no objection from our office. Our office has encouraged it. We are willing to go along with that, if that is the decision that is made. You have seen the legal basis that we have. We have requested an interpretation from legal counsel on this issue, because when we met with Dr. Demmert and Dr. Warren, we were discussing this particular issue at the time, since this is only the second time that an appropriation of money has been made, for us to deal with that. So we have attempted, and we are attempting to get a definition of what an SEA for this particular purpose would be.

Mr. Cross. Have you received that definition?

Mr. Cordoba. The interpretation they gave us was that according to the legislation, they were not an SEA, and not entitled to receive that money.

Mr. Cross. An amendment to the act would be necessary.

Section 723, dealing with training and fellowship programs, it says that fellowships should be awarded in proportion for those of limited English speaking ability. The attachment to your testimony, this morning, you list a number of programs in that area.

I would like to know if you have assessed whether that array of programs is, in fact, in proportion to the need for the teachers in Indian education?

Mr. Cordoba. We have attempted to make an assessment based on our best estimates, and dealing specifically with programs in training and fellowships. One of the problems in this was brought to our attention at a meeting that we held recently for the fellows. A young man from New Mexico testified, and, of course, the problem that he brought to our attention was the fact that he felt that at that point there was no real active recruitment for Indians by the institutions of higher education to bring them into the fellowship programs.

We checked that further with the particular institution in question. The institution in question showed us that part of the recruiting team were actually native Americans that were trying to bring in other native Americans into our programs.

To my recollection, sir, I don't believe that according to the list that was submitted to us by institutions of higher education, recommending the persons that are going to be awarded a fellowship program, that we have not excluded any native Americans recommended and qualified.

Mr. Cross. You list two programs including 27 fellowships. How many fellowships programs are there by institutions and how many fellowships are awarded?

Mr. Cordoba. We have 708 fellows throughout the country that have fellowships. The total number of programs, I cannot recall off the top of my head right now, but it is probably—I think that it is around 35 institutions of higher education that are currently participating in that program.

Mr. Cross. About 4 percent of the fellowship awards are for Indians?

Mr. Cordoba. I would say that.

Mr. Cross. In fiscal 1976, at least. Are the figures any different for 1977?

Mr. Bistline. We are just completing 1977.

Mr. Cross. But you have already made awards?

Mr. Bistline. We have not made all the fellowship awards yet. That information is forthcoming.

Mr. Cross. Would you submit the figures for fiscal 1977?

Mr. BISTLINE. Surely.

Mr. CROSS. What do you do in case of grant applications where multiple cultural/language groups are involved, particularly when it is an multiple Indian language person? How is that handled?

Mr. CORDOBA. I don't think it is handled any differently than multiple programs that are funded in other areas where we have two or three different languages that are pursued. Obviously it presents a problem from the point of view of staffing, there is no question about that. These evaluations are the responsibility of the local education agencies to assess how their programs are going, and tell us if this is an adequate way of responding to the needs of the particular locale.

Mr. CROSS. One of the things that I think we have seen in these trips that we have been on, and most recently in Alaska, was the lack of materials in bilingual education. This is particularly true in Alaskan Indian native areas where the market is incredibly thin. I recall that one public school developed its own materials.

What sort of problems exist in this area, universally, and what does OE do to try to develop and disseminate materials which might have a wider applicability, so that each school district does not have to be its own curriculum developer?

Mr. CORDOBA. In addressing the particular question of Alaska, we have approved a materials development center in Alaska. It is finishing the first year of operation. I was at the center for 2 days, and the problems that they were bringing to my attention reflected your findings very, very specifically. The concerns there are simply a matter of how fast they can generate the materials that are needed by the diverse language groups in Alaska. My own assessment of the center is that it is starting to function very effectively. The center is under the jurisdiction of the University of Alaska, and was moved from Fairbanks to Anchorage. The move was essential, we felt and they felt, because of the ability for them to service the larger group, and also to obtain consultants that could come in to produce the kinds of materials that were essential.

However, we both recognized the problem, and they are geared up and really working and attempting to deal with that particular problem as rapidly as they can. Now it is going to be certainly a while before they can catch up with the demand, and this is true throughout the country when it comes to materials developed, and materials catching up with the needs that are there.

Now, I need to point out that one of the problems that has surfaced in dealing with the native Americans, or the Indian groups, is precisely that when you deal with the smaller components, particularly the linguistic groups that we have, you have the problem of providing them with the necessary materials immediately to handle it. So our office has, in a lot of instances, allocated sums of money to local education agencies to attempt to cope with the problem, at least on a temporary basis. There is no question in my mind, as I assess the needs throughout the country, that there is a need for more centralized development. The problem is one of dealing with the diverse groups on a centralized basis and in a centralized way.

Mr. CROSS. But it is true, as a general matter, that the market for Indian materials is thin, compared to, for instance, Spanish speaking, or even French speaking, in some quarters.

Mr. Cordoba. Yes.

Mr. Cross. It is a unique situation sometimes?

Mr. Cordoba. It is a unique situation. The center that we have in New Mexico is a Navajo Materials Development Center and that represents the larger segment of the population within the locale. I consider it to be one of our better centers, functioning to deal specifically with Navajo. So there are limitations.

Now we have other centers that are attempting to deal with smaller linguistic groups, which are having some difficulties getting the materials out fast enough for the teachers who are actually utilizing them.

Mr. Cross. Could you submit for the record, if you can obtain the information, the extent to which States are funding bilingual programs in the local districts, which would involve Indian children.

Mr. Cordoba. Yes, sir, we will get that for you.

Mr. Blouin. Mr. Kildee?

Mr. Kildee. If I may. Various agencies have various definitions of what constitute Indians. What is the definition of Indians to OE?

Mr. Cordoba. I don't think that we have attempted to define it because we make no real distinction, except as the local districts send their proposals to us, they will do their own defining as to the Indian tribe or Indian group, and we rely on that definition.

Mr. Kildee. Do you consult with the Bureau on Indian Education?

Mr. Cordoba. We do, on occasion, when we have a question about a particular project, but that is not an important factor in funding. If a local education agency submits a proposal to us and says, "We have a population of so many identifiable Indians in that area," and they are requesting money, we rely on their interpretation of that.

Mr. Kildee. You take their definition?

Mr. Cordoba. Yes.

Mr. Kildee. You mention in your testimony that for maintenance, it would require $1.5 billion.

Mr. Bistline. Right.

Mr. Kildee. You are talking of Federal dollars?

Mr. Bistline. Yes; we are funding education programs for all language groups for $3 million. Then there are State and local dollars to match that. That has grown by about 200 percent from 1 year to another.

Mr. Kildee. So you are saying $3.5 million Federal dollars in addition to whatever State and local dollars may be available?

Mr. Bistline. That is right.

Mr. Kildee. You have consulted with other groups such as the National Advisory Council on Indian Education, have they made any special recommendations to you; if so, have you utilized any of their recommendations?

Mr. Cordoba. They have not addressed specific recommendations directly to us. We have sent a representative to one or two of their meetings, and the representative came back with some of the discussion that was there.

Now, I must also address that question by saying that our own advisory council on bilingual education had hearings in Albuquerque, N. Mex., and the greater majority of those testifying were Indian groups that attended and provided testimony. So our National Advisory Council made recommendations based on the testimony that was submitted to them.

Mr. Kildee. This is all I have, Mr. Chairman.

Mr. Blouin. Mr. Lovesee.

Mr. Lovesee. If I may pursue the question of definition for a moment. I believe you were using a figure from the Indian Education Act of about 700,000 for the student population serviced.

Mr. Bistline. I think that we are talking about 200,000 serviced.

Mr. Lovesee. What blood quantum, or what definition is used for that particular 200,000?

Mr. Phillips. Mr. Lovesee, there is no specific definition. I was simply trying to give a little bit of guidance to the general discussion, and that was vaguely misinterpreted. Take any number that you wish, and do the mathematics, and it gives you a rough estimate of what the proportion is in terms of total national bilingual needs. That is simply what I was trying to give guidance to.

If you—wish to take another number, you carry out the arithmetic differently, but that seems to be the fairly logical guess.

Mr. Lovesee. I don't know how logical is the use of the term "guess." I think that it might create some problems with the figure in and of itself. When you are using the definition of the local agency, I am wondering how you check the definitions for accountability, and for integrity of the program, to be sure that the kids that need it most are actually receiving services. It seems to me it is almost like allowing the person who has a basic interest in getting the most funds possible, to define a group. I think the GAO just pointed out with title IV some of the problems with the definition of Indians, some of whom walked into a classroom in kindergarten or first grade, and simply asked the children if they were Indian. A disproportionate number said yes.

I realize that in bilingual education it may not be exactly as bad as that because you can obviously tell, to a certain extent, the fluency in English.

How do you assure any integrity of the program, any uniformity in the accountability, if you accept their definition? How many audits are conducted, let us say, each year by your department of these programs?

Mr. Cordoba. I don't think that we have done any audits.

Mr. Bistline. Are you talking about audits, or site visits? We have a policy that we make a site visit on every one of our grantees at least every 3 years. We do multiyear fundings, and some are up to 5 years, so we visit every grantee, if the grant is going to expire that year, or if they have a particular problem.

Now, it would be foolish for me to say to you that when our project officer gets there, they do very much of an intensive determination of whether what the grantee says are Indians. There is an attempt to determine whether they are responding to their agreement or their proposal that we funded for them.

It would be fair to say that we could not determine whether the target population that they are serving is specifically Indian, because we do not have any definition. This is one of the reasons we have problems there.

Mr. Lovesee. Have you made an attempt to reach a definition?

Mr. **Bistline**. We have not, but we will start tomorrow.

Mr. **Lovesee**. Let me leave that, and go to another point. The original act was passed in 1968?

Mr. **Bistline**. Yes.

Mr. **Lovesee**. It has been 9 years.

Mr. **Bistline**. This is our 9th year.

Mr. **Lovesee**. When was the National Center for Educational Statistics report done with the 45,000 families?

Mr. **Cordoba**. Last year.

Mr. **Lovesee**. Was that the first attempt to reach a count of the population related to needs?

Mr. **Cordoba**. When I came to the office, about 1 year and 8 months ago, I immediately embarked in looking into what NCES was doing, and at the time they were doing that initial survey, which is part of the mandate of the legislation, that they provide us with the data on the number of children in need of bilingual education.

Mr. **Lovesee**. When was that mandate?

Mr. **Cordoba**. I think it was in 1974. The survey was never completed. It was a sampling that was given at that point.

Mr. **Lovesee**. I will ask Mr. Cross from the minority, because he has been here longer than I, was it mandated because it had not been done? Was that part of the genesis?

Mr. **Cross**. Mainly because of the need to get an indication of what the universe was with respect to the needs of bilingual education. But I think that it is fair to point out that the definition that they used was the one that you have. Any child who was in a family in which a foreign language was spoken was considered to be of limited English speaking ability. It could have been a grandfather who spoke Hungarian, and the rest of the family spoke English. So I think that the survey had some problems in terms of that figure.

Mr. **Lovesee**. I guess the reason we are asking that is that often, in places, we run into complaints on the part of the Indian community and Indian organizations. They feel that an inadequate percentage of the funds is being distributed to Indians. They feel that other minority groups, mainly Spanish speaking, are receiving a disproportionate amount of the funds.

Now, here, today, I don't think there is sufficient information, at least, that has been given to dispute that. I am wondering how you would dispute it, or do you dispute it?

Mr. **Cordoba**. Again, I will go back to the hearings in Albuquerque, because this was the point that I felt they made very strongly to us. Again, there was a disproportionate amount of money going to other linguistic groups, and, like you said, very identifiably in the case of Spanish groups that were there.

Our only retort in this type of situation, if I may use that term, was simply to talk in terms of encouraging more of the Indian schools, or schools where we had Indian populations, to apply for the moneys, because they have to compete for the dollars, and there is no guarantee that a certain amount of money is going to go to a specific group, based strictly on needs, when there is a competitive type of system that is in operation.

Mr. **Lovesee**. What type of outreach program has there been on the part of the Bilingual Education Office, to take the information to the

Indian schools, and the schools with substantial Indian population, near or on reservation settings, to know what is there, and how to go about getting it? From what we found out in the field, that is one of the big problems.

Mr. CORDOBA. Yes, sir, you are right on target. In that particular area, going out to the reservations, specifically in dealing with the smaller target populations that are out there. I don't think we have done the job of getting out there. Most of the technical assistance that we have provided has generally been of a centralized nature, when an invitation is given to a number of people in the area that may be interested in writing a proposal, explaining what they should do.

My purpose in being, for example, at the National Education Association Conference last year, was to be there to provide them with technical assistance, and to request of them what they needed further, in order to achieve that. I have had a lot of correspondence with a number of groups, and initiated a lot of telephone conversations, as they were trying to get help from our office to deal with this.

But we have not touched everything. I would say that we have only begun scratching the surface in that area.

Mr. LOVESEE. Did you find that the Indians were saying that the local education agencies, or entities, whatever they are, were not applying those principles now; or what did you find in that area?

Mr. CORDOBA. It depends on where you are. If you are on a reservation, or an almost entirely Indian setting, which would be near an Indian reservation, you often find either that they did not know what was there, in other words, the specifics of the program. They did not know how to apply. They did not know where to go to find the information. The lack of information is very easy to understand, and quite frankly I sympathize with it.

Mr. LOVESEE. Let me go to another point here and it is a potential legislative change. You mentioned that you are funding programs up to 5 years. I believe there is a 5-year limitation for specific funding of programs, unless they increase the service to different populations.

Mr. BISTLINE. It has been our policy not to fund those.

Mr. LOVESEE. We have found that it is assumed that those will be picked up by the basic program, and carried on. However, very often that is not the case. In public schools, it is not the case, especially when you are on an Indian reservation which has a nill tax-base anyway. The reason that they did not have it in the basic programs in the first place is that they did not have the money. Is a statutory language necessary, first of all? Second of all, would you like to see it so that you can go beyond the 5 years, so that these programs are not dropped just as they become beneficial to the kids?

Mr. BISTLINE. Let me ask Mr. Phillips to answer that question.

Mr. PHILLIPS. One of the things that you have to analyze is the adequate and appropriate support for the BIA financed schools, and perhaps, then, through the Indian Education Act for the public schools, as an alternative, if, indeed, the need for the enhanced bilingual education program is established and present, as you infer.

It seems that with additional resources, provided on a general base, treatment for that population could be continued without a labyrinth of legislative process.

Mr. Lovesee. If you had the vehicle in place already in the office, could simple changes be made to do that? Do you see any problems, speaking from the legislative standpoint, in treating Indian people differently from other minority groups, based perhaps on their political as opposed to racial or economic relationship with the Government?

Mr. Phillips. The reason that I suggested the two vehicles in the act and the Indian schools as the best possibility is because that tends to minimize conflicts with other groups that the bilingual programs involve.

Mr. Blouin. Thank you, folks, for coming. We have to move this hearing along, but we have a series of questions that we did not even dent. We would like to submit them to you in writing, and solicit your answers.

Mr. Bistline. We will be happy to respond, and we will respond to the other questions also.

[Questions and responses referred to above follow:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

OCT 28 1977

Mr. Michael Blouin
Chairman, Advisory Study Group
on Indian Education
House Committee on Education
and Labor
No. 420 Cannon House Office Bldg.
Washington, D. C. 20515

Dear Mr. Chairman:

As a follow-up to the Oversight Hearings on Indian Education, Subcommittee on Elementary, Secondary and Vocational Education of the Committee on Education and Labor, conducted on September 16, we are attaching answers to the questions which arose during the hearings.

If further information is desired, please feel free to contact this office at any time.

Sincerely yours,

Dean Bistline
Executive Assistant
Office of Bilingual Education

Enclosure

I. DESCRIBE THE OVERALL ORGANIZATIONAL STRUCTURE OF THE OFFICE OF BILINGUAL EDUCATION AND HOW INDIAN BILINGUAL-BICULTURAL PROGRAMS ARE HANDLED WITHIN THIS STRUCTURE.

We are attaching a copy of the organization chart for the Office of Bilingual Education, which shows the three divisions of the office and the branch activities which fall within these divisions. (See Appendix F). Indians are eligible for all of the programs within the Office of Bilingual Education with the exception of State Assistance. Applications and funded projects for programs servicing Indians are handled in the same manner as all other applications and programs administered by this office.

2. ARE THERE ANY INDIANS ON THE STAFF OF THE OFFICE OF BILINGUAL EDUCATION? WHAT EFFORTS HAVE BEEN MADE TO RECRUIT INDIAN PEOPLE FOR THE OFFICE OF BILINGUAL EDUCATION?

There is currently only one American Indian on the staff of the Office of Bilingual Education. There are several reasons for this, however. Primarily, the Office of Bilingual Education has been unable to hire anyone for the last year since, for approximately six months, we were fully staffed and had no positions available. When the ceiling was increased to allow for new positions, we were faced with a hiring freeze which was not lifted until mid-July of this year and this hiring authority was rescinded before we could complete hiring of personnel. Presently we have no openings or authority to hire personnel.

There has been only one American Indian who has applied for a position in this office within the last year. He is under consideration but no hiring decisions have been made to date.

At the meetings of National Indian organizations and other national meetings which the Office of Bilingual Education staff have attended, qualified Indians have been approached and encouraged to apply for a position in the Office of Bilingual Education. The response, however, has been minimal. We will continue to seek qualified Native Americans for this office.

3. UPDATE ALL CHARTS AND STATISTICAL INFORMATION PROVIDED AS ATTACHMENTS TO THE TESTIMONY FOR FISCAL YEAR 1977.

Appended to this letter are FY 77 statistics for all Indian programs funded by the Office of Bilingual Education. (See Appendix A-E)

4. SUMMARIZE THE BILINGUAL SURVEY MADE BY THE NATIONAL CENTER FOR EDUCATION STATISTICS. WHY WERE INDIAN BICULTURAL-BILINGUAL NEEDS OMITTED IN THIS SURVEY?

The Survey of Income and Education is a sample survey of 51 independently selected State samples in the 50 states and the District of Columbia. The total number of households in the sample was approximately 190,000. The survey was designed primarily to provide the Congress with the number of children living in families with incomes below the poverty level, in accordance with section 822-A, P.L. 93-380. It was adapted to meet the requirements of Sec. 731 (c)(1) of the Bilingual Education Act, Title VII, which authorized a count of limited English-speaking persons from non-English language backgrounds. To this end, questions were included in the SIE concerning language background and English language proficiency. The survey was conducted by the Bureau of the Census. The data are currently being processed and are therefore not available at this time.

The Measure of English Language Proficiency (MELP) included in the SIE was developed for NCES by the Center for Applied Linguistics. The original MELP work by the Center called for advisory groups broadly representative of each of the major language minority groups in the country. One of these language groups was composed of members of the Native Americans in this country. Three meetings were held, the first before the MELP items were selected, the second before the field testing, and the third after the data were in. Present at the meetings were Cal Dupree, Washington State Board of Community Colleges of Education; Denny Leonard, United Indians of All Tribes; Wes Halsey, National Tribal Chairmens' Assoc.; Pat Heinreich, National Indian Education Assoc.; Elain Ramos, Sheldon Jackson College in Sitka; Sam Windy Boy, Jr., United Indians of All Tribes; Dillon Platero, Education Committee of the Navajo Tribe; Lyman Pierce, United Southeastern Tribes, Inc.; Linda McKee, Office of Indian Education; Dan Vicente, Navajo Education Committee; and Dwight Youpee, National Tribal Chairmens' Committee.

The purpose of these meetings was to elicit direct input into the MELP from individuals who represented the cultural and linguistic perspectives which were to be reflected and incorporated into the MELP. The extreme sensitivity of such a survey was fully recognized by CAL and NCES as was the need for an interviewer training program which reflected the cultural linguistics of the diverse communities in which the MELP was to be initially field tested.

As can be seen from the above information, the bilingual, bicultural needs of Native Americans were very much taken into account in the formulation of the survey instrument. However, neither the Native Americans, nor any other ethnic group were singled out for specific statistics in the survey. The survey, as we have already mentioned, was designed to elicit information on income and the sample was drawn up to that end--not necessarily with impact on areas of high concentration of ethnic groups. There were Indians included in the survey when they happened to be in the selected sample areas. Since NCES had limited funds to conduct the survey, they had no choice but to use the existing survey.

5. WHAT DO YOU KNOW ABOUT THE NUMBER OF STATES WHICH ARE PROVIDING ASSISTANCE IN THE AREA OF BILINGUAL EDUCATION FOR INDIANS AND THE QUALITY OF THIS ASSISTANCE?

According to the Final Report on "A Study of State Programs in Bilingual Education", March 1977, (as contracted to Development Associates, Inc., Washington, D.C. by OPBE/OE/HEW) although significant progress has been made by the States, they are still very much in the formulation stage of their programs. This means, then, that they are not yet adequately addressing the needs of Native American students nor of any other LESA groups within their boundaries. Last year (1976) 19 States operated bilingual education programs, but only 16 appropriated funds specifically for bilingual education. The financial support reported by these states varied from $19 to $431 per student.

In the sample used in the survey by Development Associates, 2.6% of the LESA students identified by the states were American Indian or Alaskan Natives. The number (of Native Americans) enrolled in bilingual programs amounted to 1.7%.

The majority of bilingual programs within the states receive their funding from the Federal government, mainly Title VII and Title I (ESEA). Certainly the role of the SEA's in bilingual education is increasing.

Enabling legislation has made a difference. (In 1968, 20 states actually prohibited bilingual education; as of December 1976, 40 states could legally implement such programs. And even though 10 states still, technically anyway, prohibit instruction in any language except English, at least four of these States have title VII projects within their states.)

The report by Development Associates summarizes its findings by saying that SEA's, with few exceptions, appear to play a very minor role in bilingual education at this time. The study found that although many states support the philosophy of bilingual education in policy, few states follow through by appropriating funds to support ongoing, local level projects.

Although this support is increasing, it appears, according to the study, that some states are adopting bilingual education philosophy and concepts in order to more easily obtain Federal bilingual education program grants.

6. WHAT IS THE DEFINITION OF AN INDIAN FOR THE PURPOSES OF YOUR PROGRAM?

Since the purpose of the Bilingual Education Act is to provide financial assistance to LEA's and SEA's to carry out programs which meet the needs of children of limited English-speaking ability, it is language proficiency that determines the eligibility of children for these programs. Therefore, this office is not concerned with defining the Indian child on the basis of other than his or her language dominance. This differentiates the program from the Bureau of Indian Affairs and of the Office of Indian Education.

7. WHAT PROCESS OF OUTREACH DO YOU USE TO ASSIST INDIANS IN APPLYING FOR BILINGUAL GRANTS?

Although this office has extensive contact with local educational agencies which have existing programs since it provides on-going technical assistance, limitations of time, staff, and funds make it difficult for OBE to assume responsibility for making local communities aware of the program and the technical requirements of making application. (In addition, it would be illegal for this office to actually assist in the preparation of proposals to be submitted to this office.)

It is the responsibility of the SEA's (the Central Office and Area and Agency offices, in the case of BIA schools) to transmit information on Title VII programs to the local districts. Since the 1974 Education Amendments, OBE has funded SEA's to provide technical assistance to LEA's in their states. This assistance includes training in conducting needs assessment, the developing of proposals, requirements of OBE's rules and regulations. The Office of Bilingual Education also funds training resource centers (15 in FY 76 in the amount of $5 million). One of the functions of these centers is to provide services similar to those performed by the SEA's in the area of assisting LEA's by making them aware of the programs which the Office of Bilingual Education funds and of the technical requirements necessary for program participation.

This office is in close contact with the education office of the BIA. According to the 1971 Memorandum of Agreement between OBE and BIA which governs the participation of BIA schools in title VII programs, OBE keeps BIA informed of all necessary information for participation in the program, e.g., submission dates for preliminary proposals, calendar of events for title VII programs and subsequent revisions, availability of funds, etc. The Memorandum of Agreement also provides for the holding of developmental conferences for selected applicants in which representatives of the local BIA schools and central office BIA personnel participate for technical assistance in the development of formal implementation plans for programs.

(It should be noted that at the 1976 meeting of the National Indian Education Association in Albuquerque, this office conducted workshops in conjunction with its training resource centers. The purpose of these workshops was to provide technical assistance in proposal writing and to familiarize the participants with the requirements set out by the rules and regulations for title VII programs.)

8. WHAT PERCENT OF INDIANS IN THIS COUNTRY NEED BILINGUAL, BICULTURAL EDUCATION?

The only information we have available at this time comes from the Survey of Bilingual Education Needs of Indian Children which was performed by the National Indian Training and Research Center (Tempe, Arizona) under contract to the BIA in 1975. The survey included Federally-operated schools, Federally-funded contract schools, and public schools receiving funds under the Johnson O'Malley Act. The survey, which was conducted in compliance with P.L. 93-380, Sec. 722, showed the following:

There are 169,482 Indian children enrolled in schools operated or funded by the Department of the Interior (including schools receiving JOM assistance). Based on questionnaires received from survey participants, 46,582 Indian children are perceived to have bilingual education needs. An additional 11,127 Indian children are projected to have bilingual education needs based on estimates made from Indian enrollments in schools and districts that did not respond to the questionnaire. The total number of Indian children with bilingual education needs is computed, therefore, to be 57,709. Under present levels of funding schools and school districts report that the bilingual education needs of 15,255 children are being partially or fully met through existing programs. Therefore, the number of Indian children with unmet bilingual education needs is computed to be 42,454.

9. WHAT IS YOUR WORKING RELATIONSHIP WITH THE OFFICE OF INDIAN EDUCATION, OE?

During 1976, a Bilingual Coordinating Council was formed and OIE was one of the participating members. Several meetings were held but the Council has not been active in recent months. At the present time, we are exploring the possibility of setting up a similar body, involving both the BIA and OIE to assure that: 1) there is no duplication in setting up bilingual programs for American Natives; 2) to establish an ongoing dialogue among these programs; 3) to explore the possibility of cooperative efforts and 4) to provide for an on-going body for the resolution of problems which may arise in the carrying out of programs. (e.g. the difficulty in Title VII programs within the BIA in getting their funding on time.)

10. DO YOU FEEL THAT YOU SHOULD CONSIDER SPECIAL PROVISIONS FOR INDIAN PROGRAMS WITHIN THE LEGISLATION?

There are special provisions for Indian programs within the existing Rules and Regulations for title VII concerning eligibility. Sec. 123.02(d)(1) defines a local educational agency as "A public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary or secondary schools in a city, county, township, school district, or other political subdivision of a State or such combination of school districts or counties as are recognized in a State as an administrative agency for its public elementary or secondary schools."

Sec. 123.02(2) extends the definition for Indians: "A nonprofit institution or organization or organization of an Indian tribe which: (i) Operates an elementary or secondary school in which Indian children constitute more than 50 percent of the enrollment and

(ii) Is approved by the Commissioner of Education for purposes of this Part; and

(iii) An elementary or secondary school for Indian children on a reservation which is operated or funded by the Department of the Interior."

11. SEC. 722(b) OF THE BILINGUAL EDUCATION ACT STATES THAT THE TERMS UPON WHICH PAYMENTS TO THE SECRETARY OF THE INTERIOR FOR THE CARRYING OUT OF PROGRAMS OF BILINGUAL EDUCATION FOR INDIAN CHILDREN SHALL BE DETERMINED PURSUANT TO SUCH CRITERIA AS THE COMMISSIONER OF EDUCATION DETERMINES WILL BEST CARRY OUT THE MANDATE OF THE ACT. HAVE SUCH CRITERIA BEEN ESTABLISHED? WHAT ARE THEY?

This criteria was incorporated into a Memorandum of Agreement between the Office of Bilingual Education and the Bureau of Indian Affairs on May 10, 1971 and approved by the Commissioner on August 12, 1971. It reads as follows:

"Funds for approved projects in BIA schools in accordance with agreed-upon budgets and implementation plans will be transferred to the Department of the Interior on a project-by-project basis. These funds will be paid out periodically to the grantees upon their request."

12. WHAT OTHER PROGRAMS IN THE OFFICE OF EDUCATION DEAL WITH THE BILINGUAL/BICULTURAL NEEDS OF NATIVE AMERICANS?

All of the programs described in the 1976 Report to Congress on the Condition of Bilingual Education in the Nation would affect Indian students. In addition to the programs funded by the Office of Indian Education, the following programs, although not aimed exclusively at Native Americans, would have impact on their bilingual needs: Emergency School Aid Act; Vocational Education Act; Adult Education Program; Library Services and Construction Act; Education of Disadvantaged Children, ESEA, Title 1; Supplementary Educational Centers and Services, Title III; Follow Through; Right-to-Read; Special Programs for Students from Disadvantaged Backgrounds; Strengthening Developing Institutions Program, Higher Education Act, Title III; and Teacher Corps.

13. PLEASE PROVIDE AN ESTIMATE OF BILINGUAL EDUCATION PROGRAMS AND MONIES IN ADDITION TO TITLE VII.

The following is a summary of funds obligated for bilingual education activities (excluding Title VII) throughout the Office of Education for FY 75--which are the latest figures we have:

Supplementary Services (ESEA, III)	98,982.
Bilingual Vocational Education (Vocational Education Act, Part J)	2,797,997.
Right to Read	2,118,846
Follow Through	2,725,491
Civil Rights Advisory Services (Civil Rights Act, Title IV)	5,074,496
Indian Education (Special Programs and Projects, Part B)	978,786
Education of the Handicapped, Part C, Sec. 623	614,293
Teacher Corps (Education Professions Development Act, Part B, Section 1)	4,302,203
Education Professions Development Act, Part E	357,740
Ethnic Heritage Studies (ESEA IV)	40,000
Basic Institutional Developmental Program (Higher Education Act, Title III)	6,520,909
Advanced Institutional Developmental Program (Higher Education Act, Title III)	2,336,857

University Community Services (Higher Education Act, Title I)	502,320
Emergency School Aid Act	18,552,421
Public Library Services (Library Services and Construction Act, Title I)	3,001,285
Training and Demonstration (Higher Education Act, II-B)	104,811
TOTAL	$47,127,437

APPENDIX

APPENDIX A

OFFICE OF BILINGUAL EDUCATION PROGRAMS FOR INDIANS
1969 - 1977

TABLE I

ELEMENTARY AND SECONDARY PROGRAMS FOR INDIAN CHILDREN

	Number of Indian Programs		Amounts Obligated
1969	1		$ 98,500.00
1970	5		581,197.00
1971	9		1,399,301.00
1972	13		1,871,101.00
1973	13		1,296,109.00
1974	26		3,555,174.00
1975	31		3,808,938.00
1976	38		3,959,494.00
		TOTAL	$16,569,814.00
1977	38		4,079,225.00
	TOTAL 1969 - 1977		$20,649,039.00

APPENDIX B

TABLE II

INSTITUTIONS OF HIGHER EDUCATION GRANTS FOR TRAINING PERSONNEL FOR INDIAN PROGRAMS FY 1977

ALASKA (3) Languages: Inupiaq Yupik Degree: AA and BA	$ 75,176 136,783 112,770
ARIZONA (1) Languages: Navajo Degree: BS	53,691
MISSISSIPPI (1) Languages: Choctow Degree: BA and Credential	125,000
MONTANA (1) Languages: Crow Degree: BA	87,733
NEW MEXICO (1) Languages: Cahvilla Hopi, Kiowa Mescalero-Apache Mdewakanpon Navajo, Papago Pima Degree: AFA	2,817
UTAH (1) Languages: Navajo Degree: BA and Credential	85,000
TOTAL	$ 594,820

APPENDIX C

TABLE III

FELLOWSHIPS FOR INDIAN STUDENTS GRANTED BY OFFICE OF BILINGUAL EDUCATION, FY 1977

	Number of Fellowships	
MONTANA		
Language - Crow, Blackfoot Northern Cheyenne	10	$ 75,400.
Degree: MA - 1 Ph.D. - 9		
NEW MEXICO		
Language - Navajo - 3 Pueblo - 4	7	39,032.
Degree: MA - 1 Ph.D. - 6		
OKLAHOMA		
Languages - Cherokee Choctaw Creek Kiowa Seminole	8	52,033.
Degree: Ph.D. - 8		
	TOTAL	$ 166,465

APPENDIX D

TABLE IV

*CENTERS FOR MATERIALS DEVELOPMENT, DISSEMINATION, AND TRAINING FOR INDIAN PROGRAMS FY 1976

ALASKA	LANGUAGE	
Alaskan Native Language Material Development Center	Aleut Gwichin Siberian Yupik Sugpiaq Upper Kiskokwim Upper Tanana	$ 300,000.
NEW MEXICO		
Native American Materials Development Center	Navajo	350,000
Southwest Bilingual Education Training Resource Center	Native American (Multi-lingual)	470,000
CALIFORNIA		
Berkeley Resource Center (Training Resource Center)	Native American (Multi-lingual)	600,000
MASSACHUSETTS		
New England Bilingual Training Resource Center	Passamaquoddy (Multi-lingual)	250,000
UTAH		
National Network of Bilingual/ Bicultural Intermountain Resource Center	Native American (Multi-lingual)	145,000
	TOTAL	$2,115,000

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*Please substitute this table for the FY 1976 Center funding submitted to you with the Office of Bilingual Education's testimony.

APPENDIX E

TABLE V

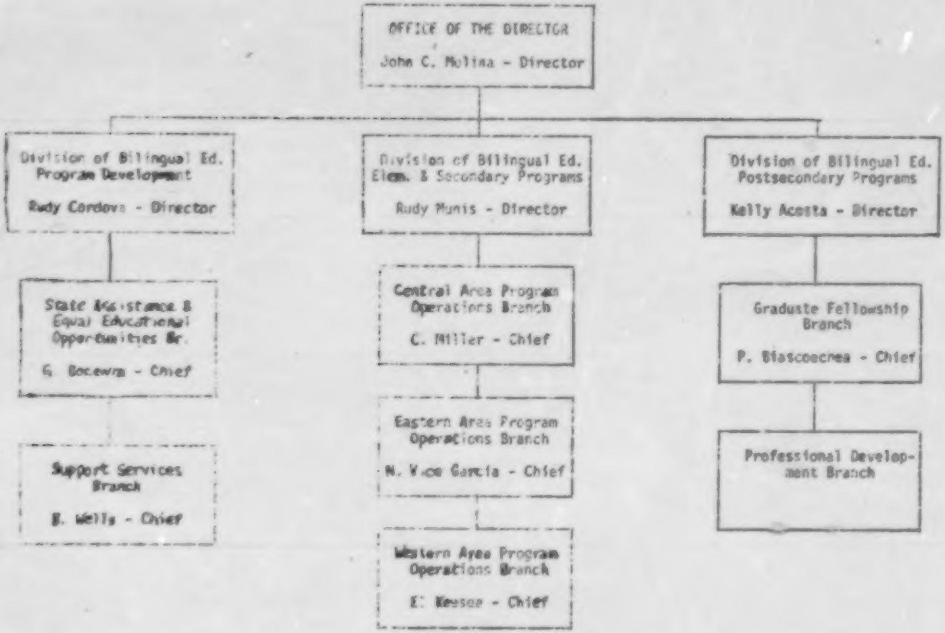
CENTERS FOR MATERIALS DEVELOPMENT, DISSEMINATION, AND TRAINING FOR INDIAN PROGRAMS FY 1977

ALASKA	LANGUAGE	
Alaskan Native Language Materials Development Center	Aleut Gwich'in Inupiaq Siberian Yupik Sugiaq Upper Kuskokwin Upper Tanana	$ 300,000.
NEW MEXICO		
Native American Materials Development Center	Navajo	350,000.
Southwest Bilingual Education Training Resource Center	Native American (Multi-lingual)	470,000.
CALIFORNIA		
Berkeley Resource Center	Native American (Multi-lingual)	600,000.
MASSACHUSETTS		
New England Bilingual Training Resource Center	Passamaquoddy (Multi-lingual)	250,000.
UTAH		
University of Utah Bilingual Resource Center	Native American (Multi-lingual)	200,000.
	TOTAL	$2,170,000.

In addition to monies obligated for programs which affect only Indians, there are a number of projects funded by this office which service more than one language group and which include Indian languages. In FY 76, we estimated that 23 million was in multilingual projects and that an estimated $984,506 of that total was for Indians. The amount for 1977 has not yet been determined.

APPENDIX F

OFFICE OF BILINGUAL EDUCATION


OFFICE OF THE DIRECTOR
John C. Molina - Director
Division of Bilingual Ed. Program Development
Rudy Cordova - Director
State Assistance & Equal Educational Opportunities Br.
G. Becerra - Chief
Support Services Branch
B. Wells - Chief
Division of Bilingual Ed. Elem. & Secondary Programs
Rudy Munis - Director
Central Area Program Operations Branch
C. Miller - Chief
Eastern Area Program Operations Branch
N. Vice Garcia - Chief
Western Area Program Operations Branch
E. Keesee - Chief
Division of Bilingual Ed. Postsecondary Programs
Kelly Acosta - Director
Graduate Fellowship Branch
P. Biascoechea - Chief
Professional Development Branch

Mr. Blouin. We have three more groups of witnesses, and the House goes into session at 10 o'clock. We will proceed through these as best we can. When I have to be called to the floor for a vote, the staff will continue to proceed as best as possible.

Our next witnesses, in the form of a panel, are Dr. Dave Warren, Director of Cultural Studies Center, Bureau of Indian Affairs; and Dr. William Demmert, Director of the Office of Indian Education programs, Bureau of Indian Affairs; and I understand that you have a prepared statement, Dr. Demmert, if you would like to summarize it for us.

Without objection, the entire statement will be submitted for the record. You may proceed.

[The prepared statement of William Demmert follows:]

STATEMENT OF DR. WILLIAM DEMMERT, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS, DEPARTMENT OF INTERIOR, BEFORE THE HOUSE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION HEARING ON FEDERAL SUPPORT FOR BILINGUAL/BICULTURAL PROGRAMS IN INDIAN EDUCATION, SEPTEMBER 16, 1977.

Mr. Chairman and members of the Subcommittee, I appreciate the opportunity to testify today on the Bureau's efforts to provide bilingual/bicultural education programs in Bureau of Indian Affairs schools. It is our intention in this testimony to highlight specific actions which have recently been taken in the BIA to address this question. These we give within the context of developments during the decade just completed, a period which might be characterized as the "bilingual education era." Based on the experiences and achievements of the Indian, Eskimo and native communities and on the experience of the BIA and other Federal agencies, a policy is being drafted to address the complexities of a native language program, including bilingual education among the BIA constituency. This policy will be discussed in the first section.

I should note here that none of my proposals have been presented to or approved by the new Assistant Secretary for Indian Affairs who will be sworn in shortly.

In the second half of this testimony, certain issues with regard to the Bilingual Education Act are highlighted. Until now, the Bureau of Indian Affairs had no written policy about the bilingual/bicultural education. As the Director of the Office of Indian Education Programs, I have called for a policy on Bilingual Education with appropriate rules, regulations, and guidelines for implementation.

Bilingual education is one of a number of new thrusts in education program development.

Earlier this year, I provided the Subcommittee with information which is referred to in this testimony. It included a copy of the Center for Applied Linguistics (CAL) draft report, a proposed FY'79 Budget for bilingual education, correspondence about Lau compliance and special difficulties with "flow-through" funds from Title VII. I must emphasize that the budget proposal was not cleared by the Department and it was submitted on my own initiative.

The Center for Applied Linguistics provided the BIA with a committee report of recommendations and plans for bilingual education in 1976. The recommendations were sent to Native American community and school representatives for comments. The newly-designated BIA bilingual education program office, the Research and Cultural Studies Development Center, compiled these reviews and responses on a basis for a final policy draft. Aspects of that policy statement are contained in the first section of testimony.

PERSPECTIVES ON POLICY

Bureau of Indian Affairs schools should provide educational program opportunities which are appropriate for children according to their language dominance. When a child enters school and is dominant in a language other than English, a bilingual method of instruction will be his rightful due. If a child enters school dominant in English, his instructional program will likewise be predominantly in English.

Bilingual education is the process of teaching and learning all academic subject matter through the medium of a native language other than English when that other language is the dominant form of speech for the students. A gradual progression into English as a second language is programmed from the beginning years to middle school. In a bilingual process the native language is maintained while English proficiency grows in the middle school, and coordinate bilingualism becomes the goal in the later years of schooling. A bilingual/bicultural education program is one which utilizes the student's native language and cultural factors in instructing, maintaining, and further developing all the necessary skills in the second language and culture. The end result is a student who can function totally in both languages and cultures.

The rationale for bilingual education is basically one of conceptual growth. A student will function with greater success in his early years when his native language is used as the medium of instruction. The objective is that both language will eventually be spoken, read, and written by the student to a more or less coordinate degree of proficiency.

A common error to be erased in our policy is the perception of Native American Language dominance as a handicap. It is an asset which the child brings to formal education having learned valuable oral language skills from his family before entering school. This asset is the strength of the child which schools should accommodate by using it as the medium of instruction.

The spoken word in the native language is one of the greatest strengths a child has in his early school years. Concept development and growth are proportionate to the degree to that dominant language of the child.

These are the principal goals to be accomplished in a bilingual/bicultural education. English as a second language is introduced gradually and with incresing emphasis in accordance with the growing strenghts of the individual. The native language is maintained and strengthened as a cultural asset in the unfolding identity of the child. The national language of English is taught and learned as an absolute necessity for all citizens of the United States. The language heritabe which is the student's birthright is preserved intact.

From a purely education standpoint, bilingual education is prescribed for children whose native language is a language other than English.

From a cultural point of view, the introduction of a native language other than English may also be prescribed for children of Native American parents even though they are dominant in English. Whereas their instructional program is not strictly a "bilingual" program, such language reclamation programs may well be advisable.

The foregoing provides a basis for a policy of the Bureau of Indian Affairs on bilingual education. This policy complies with Federal laws and educational guidelines and at the same time, protects the unique rights of Native American communities in determining local educational program options. The following steps would be taken to implement this policy in all the BIA schools if it is approved.

1. Communities will be asked to give consent for language assessment of all the children in school. A bureau-wide needs assessment will be made to identify precise number of students who are dominant in English and other languages.

2. Training for needs assessment at Areas, agencies, and schools will be coordinated by the language office of the Research and Cultural Studies Development Center (RCSDC).

3. The administration of a language needs assessment will be completed and reported to RCSDC.

4. Data will be analyzed and reported in profiles by child and by school from the language office of RCSDC to the Areas and agencies. They, in turn, will report the results of the needs assessment to the schools.

5. It shall be incumbent on the school administrators to organize community meetings to address the question of bilingual education if nine or more students in any school (or twenty students in any agency) show dominance in a language other than English.

6. The Central Office shall provide specialists to assist Areas, agencies, schools and communities to interpret the date of the needs assessment, to explain the instructional program options which the community should consider and the funding resources available for these purposes.

7. Schools which already have bilingual programs in effect will review them with the community in light of the new needs assessment information.

8. Communities will be expected to make instructional program choices on the basis of informed consensus as soon as possible after the community training takes place.

9. Once the decisions have been reached by communities for their schools, these will be directed to the Areas in the form of minutes signed by the responsible representatives of the community and forwarded to RCSDC.

10. Finally, the language office in RCSDC will be available to assist schools in proposing, designing, funding, and implementing community-designated language programs.

11. The Central Office will thus have provided language profiles on each student, a record of program placement and will provide schools with correlation of academic growth in these programs. Such data serves as planning information and meets legal requirements of program evaluation.

PROGRAM BACKGROUND ON POLICY

Policy on bilingual education in the Bureau of Indian Affairs has evolved from a series of legislative acts and program developments. Initial stimulus for bilingual education came in 1968 with the Bilingual Education Act. That Act and the resulting Title VII of ESEA involved the first BIA schools in the bilingual program effort. The first projects (1968) in the Navajo, Eskimo, and Sioux languages were closely and carefully observed by other language communities.

When the first National Conference of Native American Bilingual Educators met in 1973, seventy such Indian and Alaskan bilingual programs were in existence. In 1975, the National Indian Training and Research Center (NITRC) survey recorded forty-nine bilingual programs of all types. The same study indicates a population of 27,000 BIA students who need bilingual education. It found that only 9,000 of those were receiving an alternative form of education to meet their bilingual needs. That survey was completed on the basis of estimates of educators and, although less than precise, it tells us that at least 18,000 more students in BIA schools need bilingual education.

In 1976, the Center for Applied Linguistics completed a study and recommendation for a BIA plan in bilingual education. This study was distributed to Bureau educators, schools, and tribal groups. Recommendations and comments on this document provide further basis upon which to formulate a policy on bilingual education. Two very important elements appear in most responses to the CAL reports: (1) community decision-making; and (2) a need for precise data on which to make those decisions. These concerns affect our development of policy.

This year specific steps are to be taken to establish policy and program development in bilingual education, bureau-wide.

The first action has been to assign bilingual education as a function of the Research and Cultural Development Studies Center in Santa Fe. Further, activities include completion of a language need assessment in all the elementary Bureau schools and contract schools to determine the language dominance of each child; compilation of data from the needs assessments and disseminate this information to the Areas, schools and tribes, and they in turn to parents, so that communities can make informed choices of the changes in the educational programs they deem appropriate.

THE LAU VS NICHOLS 1974 SUPREME COURT DECISION & THE BIA

The 1974 Supreme Court decision concerning a Chinese family with children in a California school mandated that the respondent comply by providing an alternative instructional program to fit and meet the special needs of minority language speaking students. Since that time, the states and more recently the BIA have closely studied guidelines for these alternatives as reflected in the HEW Office of Civil Rights (OCR) "Lau Remedies." The compliance of states with the Lau mandates has been a clear but difficulty necessity. The same question regarding federal schools in the BIA was less clear. Certain indications were given in the interpretation of individuals at the OCR that BIA schools must comply in the same way as states, or suffer the loss of supplementary federal funds for education. This year the Solicitor for the Department of the Interior provided an opinion of the BIA posture regarding Lau compliance. He notes that the Lau decision does not "... expand to include federal agency programs and activities." However, the Solicitor comments further that "it would be ironic and tragic if the Federal government did not provide Indian children the basic educational services which it requires state and local education authorities to provide (emphasis added)." The Solicitor directs us then to another point, that if discrimination in educational practices and the potential violation of the due process clause of the Fifth Amendment to the U.S. Constitution. He summarizes the interpretation of this question by "... urging the BIA to take all steps necessary to provide bilingual education to those students in BIA schools who need such assistance."

BIA Policy on bilingual/bicultural education must give serious thought to these complex legal questions and determine to both comply with Lau mandates and to go further. Our policy should go further by recognizing the unique rights of Native Americans to self-determination in the education of their children.

Such a policy opens the question of bilingual needs of individual in the BIA system by providing a precise language needs assessment.

It then provides for the right of choice and consent in the communities of parents to determine the shape of instructional programs for their children.

If indeed a community should choose not to have a bilingual/bicultural program, though its need may be indicated, the BIA will honor that community's right to make such a decision. The same trust relationship between the BIA and the the local communities will apply when the parents, school board, and tribal or village authority decide in favor of a bilingual/bicultural form of instruction.

There is a difference between the general national direction of educational decision-making and that which Native American citizens exercise in their communities. We foresee a continued growth of bilingual education among Native Americans and we anticipate a continued assistance from a paralled growth of both BIA and supplementary funds to support it. The new policy should, however, impose nothing on Indian communities. It will support and advocate the informed consensus of our country's first Americans in the choices they make for their children.

FUNDING BILINGUAL/BICULTURAL EDUCATION

The 1975 survey completed by NITRC for the Bureau estimated that of the 27,000 BIA students who need bilingual education only 9,000 of them, or 1/3 were being provided a bilingual context of learning. The NITRC study repeated what BIA educators had been estimating for some time, that approximately one-half of the BIA school students need bilingual education. Of that 50%, only one-third have had their needs addressed. Another 18,000 now appear as students with some bilingual educational need.. In order to serve unmet needs and maintain existing programs, major funding is required in technical assistance, teacher training, program and curriculum development, materials development, and program research and evaluation activities.

Obviously, we do not expect the major funding increases to occur immediately. Much of the new expenditures will have to come from regular program funds. Line item requests for bilingual education will be submitted on an incremental basis. BIA will continue to support ESEA programs as "seed" monies, but with greater expectations from such funding than maintaining a status quo with the pilot, demonstration and experimental programs presently in operation.

The RCSDC office estimates a $27,000,000 annual need for bilingual/bicultural education.

This was a zero-based budget in the real sense. Heretofore no regular program funds were provided for bilingual education in the BIA.

Other new BIA programs are in the process of being authorized and implemented which will aid the bilingual/bicultural program effectiveness. We are proposing changes in the fiscal management system which are referred to as formula funding and direct funding. The Bureau's Central Office would function to meet the perceived needs of individual schools in the system according to a formula which would be zero-based and all inclusive, including bilingual/bicultural programs. The proposal would advocate the full-funding of proven needs including bilingual/bicultural programs in each unit according to a formula which identifies regular program and supplemental funding success. Funding would be direct to the school units.

As I indicated, these proposals will be presented to the new Assistant Secretary for Indian Affairs for his consideration in the near future.

THE BILINGUAL EDUCATION ACT & THE BIA

The Elementary and Secondary Education Act of 1965, the Bilingual Education Acts from 1968 to 1974 and the Indian Education Act, Title IV has given great stimulus to an important change in the education of linguistically different children. Through grant awards from these sources, sure beginnings were made according to the intentions of these laws. Title VII of ESEA and the "Bilingual Education Acts" have provided significant bilingual education starts for Native Americans in BIA schools. These grants have definite limitations in terms of the five years in which the Acts expects schools to be able to continue on their own regular school funds. A few of the programs were given renewed grants in compliance with expanded possibilities within the law. Most have had to seek funding elsewhere, or as in some case, discontinue the bilingual programs. The source of financial support through the regular education accounts of the Bureau is the matter we addressed in the previous section.

The B A will continue to look to this source of supplementary funds especially to assist schools in their entry into bilingual education. We hope we can help them to simplify the process by what we have learned in first years of experience with Title VII. The major problem we have encountered is the flow of funds from Title VII to the individual schools. It has been such a cumberson route and process from USOE, Treasury, BIA, Area and agency offices before it get to schools that usually half the school year passes before funds arrive. We accept responsibility in the BIA structure for most of this delay.

the BIA structure for most of this delay.

We will soon include in a Memorandum of Agreement with USOE the eventual process we recommend for improved processing of funds. Again, we would proposed that this policy reflect an overall thrust towards direct formula funding for schools.

I will also recommend that the Assistant Secretary for Indian Affairs propose (through the administration) amendments to the Bilingual Education Act and Titles VII, ESEA, to recognize Bureau as a State Education Agency (SEA). I would also propose for each school the legal designation and status of Local Education Agency (LEA). This recommended change in the law would simplify and make much more efficient two elements of the present confusing situation. First, it would facilitate direct funding to schools in a way similar to all other schools in the nation. Secondly, it would give the Central Office of the BIA access to technical assistance funds in the Bilingual Education legislation to assist and support local programs. Puerto Rico, Quam, and the Trust Territories are currently eligible for SEA assistance; wer are considering a request for similar recognition and status. For ten years, the BIA has served in quasi-SEA status, offering limited technical assistance without being eligible to share supplemental funds for this purpose as do the states.

In the next few months, all school community groups will review the proposed 1977 policy about bilingual/bicultural education. Appropriation rules, regulations, and guidelines for program implementation should be completed by December 1, 1978.

Before the close of calendar year 1977, a precise language needs assessment will be completed for all chidlren (K-8) in the BIA schools. A training and technical assistance program to administer the national needs assessment will also be completed by the end of current school year. The needs assessment training is essential for parents, school personnel and tribal authority to understand language dominance profiles and the instructional options available to their school.

Some communities possible will make decisions in selecting one of the five major kinds of language program. They are: (1) English only, (2) English with a cultural component, (3) English as a second language, (4) Native American as a second language (sometimes called lanaguage "revival"), or (5) Bilingual/Bicultural education.

Other communities will delay their decision, indicating a need to investigate the options further. The BIA will support both these communities which decide now and these which decide now to take the decision later.

During the current school year, the BIA will continue to help those schools already in the stream of bilingual education. We will do our best to advocate efficient flow of funds and accountability. The Bureau will continue to support and actively participate with Native American Bilingual Education Conference (NABEC), Native American Linguistics Institute (NALI), and National Indian Education Association (NIEA) in their efforts to strengthened bilingual education programs.

Under the newly organized language office in RCSDC, the BIA will propose a Native American Language Center on the campus of IAIA. Bilingual planning for the Assistant Secretary of Interior for Indian Affairs and the BIA Office Of Education Programs will be centered there.

A serious effort will be made in this school year to receive the journal "Language for Native Americans," last published by the BIA in 1974.

The BIA will approach this Committee and Congress in general in 1978 with a very clear picture of the language education needs of American Indians and of the community choices regarding alternatives forms of instructions for their children.

STATEMENT OF WILLIAM DEMMERT, DIRECTOR, OFFICE OF INDIAN EDUCATION PROGRAMS, BUREAU OF INDIAN AFFAIRS

Mr. DEMMERT. With me, I have Dr. Dave Warren, and I also have Dr. Ed Marich accompanying me today.

The bilingual/bicultural program responsibility has been placed in the research and cultural studies development center, headed by Dr. Warren, in Santa Fe. The organization location of the program is in the division of elementary and secondary education, located in Washington, D.C.

In 1976, the center for applied linguistics worked with us to complete a series of recommendations for bilingual education programs. These recommendations were reviewed by the Bureau of Indian Affairs staff throughout the country and Indian education groups, primarily.

The report and field responses now form the basis for the development of policy, rules and regulations in the Bureau, which heretofore had not been established. The center is currently developing the policy, the rules and the regulations to be issued for field review, we hope, by mid-October.

The RFP for the national need assessment to determine language dominance should be initiated by the first of November, and we hope to complete that by May 1978.

The assessment activity includes individual student language profiles, training of persons to administer test assessment, compliance with law requirements, and computerization of data for planning and evaluation purposes.

A study of title VII is underway to determine areas of recommended amendment change in legislation to facilitate funds allocation and BIA eligibility for an SEA, or State education agency type of status.

A number of agreements with the Office of Education are under study, to facilitate interagency coordination, planning and utilization of title IV resources. The Bureau of Indian Affairs' solicitor has rendered preliminary opinions on Lau requirements, as the Bureau of Indian Affairs may be affected. According to the opinion of the Bureau, it is technically not bound to Lau requirements of another Federal agency. However, we believe it would be ethically and educationally remiss if we were not to follow them. Quite likely, the Bureau would be liable to class action suits to provide education or due process for the Lau decision.

That is, in brief, a summary of the basic statement. The statement itself is very comprehensive. If you have any questions, we would be happy to answer them.

Mr. BLOUIN. Thank you for your brevity. Your statement is very comprehensive and very good. We appreciate the work that went into it.

On page 12 of your statement, Dr. Demmert, you outline the bilingual/bicultural education performed by the Indian schools and you say that it is only meeting one-third of the need. You also say that line item requests for bilingual education will be submitted on an incremental basis. Is this administration policy?

Mr. DEMMERT. It has been the policy of the Office of Indian Education to submit line item requests for bilingual education, but to date it has not been accepted or acceptable. By that, I mean we have not had, in any administration, an opportunity to identify funding by line item for bilingual/bicultural education.

Mr. BLOUIN. Can you tell us why you have not gotten that far yet? Have you run into obstacles or what?

Mr. DEMMERT. We usually clear the Bureau itself, and the Bureau Commissioner, and then it is not allowed at the Department level, or in the Office of Management and Budget. This year it was not accepted by, I think, the Department.

Mr. BLOUIN. Is that generally where you run into it?

Mr. DEMMERT. Generally, that is right

Mr. BLOUIN. What is the current method of Bureau testing of need assessment?

Mr. DEMMERT. Let me ask Dave to respond to that, but my impression is, except for projects that have been funded through U.S.O.E., we have not done very much.

Mr. WARREN. Mr. Chairman, this is correct. The only kind of need assessment that has been conducted in recent years was conducted under a contract with the Bureau of Indian Affairs, let to the American Indian Research and Development Center in Phoenix, Ariz. That was in 1975.

The survey, I think, we submitted and some other documentation to the committee. It was almost an anecdotal survey done on the basis of perceived needs by school administrators and teachers throughout the Bureau schools and Contract schools. It revealed, out of a total population of some 49,750 students, that about 27,000 required some degree or some form of bilingual education program. This is one of the areas which we seek to address at this time in developing a national needs assessment on the basic area of language dominance. That is, how scientifically can we arrive at what is the language that the child speaks, or is surrounded by, in terms of school, family, and other situational uses.

We have had no specific bilingual education survey or assessment developed in the period since 1975.

Mr. BLOUIN. Is it your intent to have one soon?

Mr. WARREN. Yes; we hope to have this, as indicated in Dr. Demmert's statement, soon. We hope to go out and have a request for proposal indicating the type of assessment we want, and the type of data to be gathered. Then solicit the kind of proposals that will meet those requirements to conduct this national survey.

Mr. BLOUIN. Do you have any kind of a time-table on that?

Mr. WARREN. If we can issue the RFP by mid-October, and have them returned by December, we should have the survey completed by the end of the school year 1977–78.

Mr. BLOUIN. Does the office have a staff director coordinating all of this?

Mr. DEMMERT. On the books, we have a staff position, but as presented in the earlier testimony, we have exchanged staff with the Office of Bilingual Education, and that staff person is now working in the Office of Bilingual Education, and their person is working with Dr. Warren in Santa Fe.

Mr. BLOUIN. So in effect you have no staff position at the national level?

Mr. Demmert. At the national level, that is correct, except that the person—I am not sure what kind of term you would use for that. The indirect answer to that is, yes. Dr. Warren heads that nationally out of Santa Fe, and the person we would have located in Washington, D.C., is working in the Office of Education. But at the same time, we have a member from the Office of Education working with Dr. Warren at Santa Fe.

We do intend to post some temporary positions for about a year, and bilingual is one of the staff positions that we intend to fill. Up to this point we were not allowed to fill that position in the Office of Indian Education.

Mr. Blouin. What role is this person in OE serving? What purpose is that person serving?

Mr. Demmert. In general, we are giving our representative an opportunity to learn how the Bureau of Bilingual Education operates in USOE. Then, to provide some technical assistance and expertise when they run into problems, and allow two BIA persons an opportunity to identify BIA individuals to contact when they run into problems. For example, the flow of money from that program to the Indian community.

Let me ask Dr. Warren to describe what Dr. O'Leary does for him down in Santa Fe.

Mr. Warren. Dr. O'Leary is assigned to us out of Dr. Demmert's office to facilitate our staff capability, which right now is one person—that is I—in understanding a great deal of the complexity of the title VII, its procedures, its mandates, and so forth. Specifically to begin recommending the kind of amendments or legislative changes that will increase the BIA's ability to utilize those funds, and to expedite the flow-through of title VII moneys to the Indian communities that we have, which have applied to receive the title VII grants.

Basically, Dr. O'Leary is our resource person and technical assistant since he comes with a great deal of experience in title VII legislation. He was party to the first memorandum of agreement between the Bureau and the Office of Education, and as a result is quite effective in helping us to design the new memorandum of agreement that we are having some difficulties on, simply because of the question of how to approach the SEA status at this point, or to approach any of the other technical areas that we have to write in the memorandum of agreement.

Right now we see them as tentative statements, at best, until we get some of these major overriding questions.

Mr. Blouin. We realize the staff limitations that you are faced with. Did you bite off more than you can chew? You started something with the limitations that you are confronted with that you might not be able to finish?

Mr. Warren. I suppose the answer is; yes. Also the requirements placed upon us to begin developing bilingual/bicultural education are the realities that we have to deal with.

Our office has worked for 7 years with the various tribes throughout the United States with the same staff, to develop, essentially, a number of programs supporting local initiatives primarily, and our track record over the 7 years has been good because we have relied upon the local Indian community and its own determination of expertise, which would include outside as well as internal community expertise, to develop bilingual/bicultural programs.

Mr. BLOUIN. On that point; what size of staff would you need to accomplish your goal? Second, what kind of quality of field input is there for you to rely on to accomplish that goal, and if it needs improvement, what could be done in the field to improve it?

Mr. WARREN. I think that we have estimated in the first very crude, admitted very crude estimate of budget that a central office staff would require at least eight positions that would range from bilingual educator, linguist, developer, and evaluator, to essentially liaison staff dealing with the communities. Quite frankly, I think that that could be modified to some extent as we begin to serve.

Mr. BLOUIN. That is both to identify and carry out? Identify the needs and carry out the program?

Mr. WARREN. We are talking about, essentially, a national center at which a great deal of program development as well as evaluation would take place. Now that also has to take into consideration the support the Bureau has given to what Dr. Cordoba mentioned earlier, the development of the Native American Linguistic Institute begun at the University of Albuquerque. We, in the last few years, have complemented some title VII teaching money out of the Bureau's, and also provided in-kind assistance by housing that multigroup at the Institute of American Indian Arts. It is an all Indian organization, it is comprised, however, of some Linguistics Institute personnel. It's my opinion, it has a very definite role as a training resource and body of expertise that the Bureau should link into. The extent to which they would be able to provide certain assistance in areas of training and research would have the effect upon the staff that we are talking about within the Bureau itself.

I am sorry, Mr. Chairman, I have forgotten the exact wording of the second part of your question.

Mr. BLOUIN. It had to do with the quality of field input. Did you receive it, and what can be done to improve it, if it needs improving in your overall program efforts?

Mr. WARREN. The first step will be to, obviously, establish what it is that we have as a program need, which will come out of the assessment.

Mr. BLOUIN. Would you have admitted limitations in terms of central office ability to identify what you are going to need for good field input?

Mr. WARREN. We will have to come to an effective assessment instrument, which, as we have indicated in the document we have submitted, will have to involve the community, the school, in not only the development of data but in understanding how that data can be used at a local planning level. That, of course, would tell us about programs which would be reported, and reportable to the Bureau, to become computerized and centralized in our data system.

We also see a relationship with proposed program activities and organization for early childhood education that Dr. Demmert's office has developed. In the so called regional centers we hope to integrate early childhood and bilingual activities, which also would be a collecting point.

We rely heavily, and will have to, upon the Indian organizations such as the Native American Bilingual Education group as well as knowledge in helping us assess and and provide information on bilingual educational needs.

We have a series of networks, is what I am saying, that we have not tapped effectively.

Mr. **BLOUIN**. Which can be tapped, and will be tapped in your identification efforts?

Mr. **WARREN**. We see a growing movement in this regard of consortia. Ms. Jeanne Thomas is here this morning. The Yakimas have developed a very fine plan for a youth project which has been brought to our attention involving the language groups in Colorado and Utah. I think the beginning of systems within tribes, which we should support, would provide us with the kind of data that would be helpful.

Mr. **BLOUIN**. When you refer to identifying the needs, I assume you start with a definition of Indian. I think I heard you talk about a quarter-blood.

Mr. **DEMMERT**. A quarter-blood, or in instances where tribes have treaties that designate other than that. We will include those as well.

Mr. **BLOUIN**. You agree with the treaty agreement. You would assume that they would fall under the need category of bilingual-bicultural?

Mr **WARREN**. I really cannot say.

Mr. **BLOUIN**. Does there have to be a spoken tongue involved?

Mr. **WARREN**. Going back to the only language we have in this kind of data, I don't know. I should correct, for the record, my previous citation, it is the National Indian Training Research Center, and not the American Indian.

The so-called metric study that was done in 1975 for the Bureau, I don't know what the principles were that were used. There were others that were used in this process. I suppose it was the ability to——

Mr. **BLOUIN**. You don't know what basis they used to define Indians?

Mr. **WARREN**. I have seen the report, and it is less than a precise report. It is really and frankly the only statement I can make.

Mr. **BLOUIN**. Correct me if I am getting the wrong impression this morning, but from you and from OE I get the distinct impression that you are both trying to service a group that you cannot define, that you have no way of knowing how to define. You don't even know how to begin to hold together a definition of it. Am I off somewhere?

Mr. **DEMMERT**. Let me respond to that, if I may, Mr. Chairman. We know the population that the Bureau serves very well. We know that we have about 50,000 students in the Bureau schools. We know that we provide Johnson-O'Malley support for about 155,000 in public schools, for a total, of course, of 200,000 Indian students.

Mr. **BLOUIN**. You assume that they have a bilingual need? It is another step in defining that need?

Mr. **DEMMERT**. We know based on the study that Dr. Warren has talked about earlier that about one-third of them their needs are being met in some way, shape or form, and that about three-fourths of them are able to get along. But we look at the total population as needing bilingual-bicultural education because there is a definite need not only to learn English, but to continue and strengthen the basic language, especially the basic laguage. They accomplish so much more when they use their native language at least during the first 2 years of school.

Mr. Blouin. I would tend to accept that. I guess, the area where I get foggy in my own mind is when you get into a heavy urbanized area, where they might fall into your definition of quarter-blood Indian. Yet if they have been removed for some time from a specific Indian tribe or language setting, it might be more complicated, and it might be a mixture of dozens of tribal settings, how do you begin to provide in something of that nature?

Mr. Demmert. The process that we use is community based. Most Indian comunities that we serve have distinct tribal and population locations that makes it much easier, and we are used to working with small groups rather than the large groups that the Office of Bilingual Education has to work with.

Mr. Blouin. When you pull in that 150,000 population from the public school network, and count it in your total number, you are dealing with more complicated approach in that instance. Are they in reservations or bordering reservation settings?

Mr. Demmert. Most of them are, if not all of them.

Mr. Blouin. How many of that 150,000 can you identify, roughly, as urbanized Indian students in major urban centers of the country?

Mr. Demmert. I would say less than 5,000. That is a rough estimate, but I would say that it is less than that. In addition, I think that it might be appropriate to point out that there are approximately 210,000 Indians outside the Bureau as identified in the more stringent guidelines of part A of title IV, Public Law 92–318, in the past 2 years. So that brings the population in public schools to about 310,000, and the Bureau schools about 55,000.

Mr. Blouin. And these are all quarter-bloods?

Mr. Demmert. Under title IV of the Indian Education Act of 1972, the 210,000 are primarily urban or rural Indians not on or near a reservation. They do not necessarily adhere to the quarter-blood BIA requirement. They adhere to the definition that says, two generations beyond the grandparent who had been identified or enrolled in the more traditional setting.

Mr. Blouin. Would you say, at the very least, that the definition ought to be applied to any effort to identify bilingual needs in the Indian setting, or Indian bilingual education?

Mr. Demmert. I am sorry. Let me point out that the definition of Indian is one of the most explosive in the Indian community. I did have an opportunity, fortunately or unfortunately, to help identify the definition used in title IV when I acted as consultant to the U.S. Senate. Until I see a different one that is more adequate or appropriate, for that type of legislation, I would agree with your statement, at minimum.

In terms of the Bureau of Indians Affairs, we are talking about different issues. We are talking about a very select population that the Bureau is serving. It is like apples and oranges, I guess.

Mr. Blouin. Would you think that that kind of a definition would be a fair base in terms of equal searching out of bilingual groups nationwide?

Let me back off and start the whole question over. We have identified 3.6 million non-Indian students nationwide. I don't know quite how they identified those. The criteria used for determining that should be the same base for determining Indian population. Would you agree with that?

Mr. DEMMERT. Not necessarily, because as I understand it, the survey was of communities of 5,000 people or more. Many Indians do not live in communities of 5,000, so you have to use a different base for a sample survey of Indian populations.

The best base for a sample survey is the 210,000 in the schools, because we have them identified by number throughout the Nation.

Mr. BLOUIN. Mr. Cross, if you wish to continue.

Mr. CROSS. Thank you, Mr. Chairman.

Mr. Demmert, let us return to your comments about the Bureau having a policy of community-based decisionmaking with respect to Indian students. How does that work with respect to boarding schools, where you have a multilanguage, multicultural relationship?

Mr. DEMMERT. When I say that we have a policy of community-based, community and tribal are used synonymously. When you talk about boarding schools, the issue of the tribal community, as you pointed out, becomes much more difficult. Our sense is that we should use the school board as a sounding board for the communities represented, or that the school represents.

Mr. CROSS. Are there boarding schools that have bilingual programs, yet?

Mr. WARREN. We have at the Institute of Indian Arts a program in Santa Fe which is a very minimal level program, which is part of the title VII training grant. We have had, I guess, 2 years of experience with that.

In boarding schools, we do have one project in San Juan Pueblo which is a Bureau-public school type of arrangement, which is a very exemplary program at the elementary level. Then throughout the Bureau, in terms of the Navajo area, we have various title VII areas, and 11 were mentioned that are primarily day school situations, some aspects of boarding schools, but primarily day school activities.

In direct response, most of our bilingual-bicultural programs would be in day schools and boarding schools on reservations. I am not aware of any in the off-reservation boarding schools.

Mr. CROSS. Title VII, the Bilingual Education Act, is on its face and by law for training in the English language. Therefore, it would not be appropriate as a vehicle to engage in having children relearn the language of the tribe, or keep current with that language.

Does the Bureau now request money for bilingual education for the purpose of keeping up the tribal language?

Mr. DEMMERT. We are moving toward a policy that, as we pointed out earlier, would require Indian communities, tribes, schools an opportunity to move into either or both of these areas, English as a second language, strengthening the tribal language.

At the present time, we do not have anything that directly supports that. By that I mean, we do not have a line item in our budget. We have requested money for those kinds of activities that would move along our intended thrust. But we do not have anything right now.

Mr. CROSS. You have requested that of OMB?

Mr. DEMMERT. Yes; but has not reached this far.

Mr. **Cross.** Do you have any figures on the number of teachers in BIA schools who are involved in bilingual education?

Mr. **Demmert.** No, we don't.

Mr. **Cross.** Is it possible to obtain that?

Mr. **Demmert.** It would probably take us a couple of months.

Mr. **Cross.** You are being optimistic, I take it. I think that it would be interesting at some point to obtain that as well as how many of those teachers have specific training or language proficiency in the area in which they are engaged.

Mr. **Demmert.** Let me point out that our 1978 budget, which is available October 1, has some money for proficiency evaluation. It is very likely that Dr. Warren can go out and conduct a survey in that area.

Mr. **Cross.** Good.

Have you already surveyed the needs of the various schools? One of the things that I have heard several times is that there are some Indian groups who do not feel that these schools are an appropriate place to work in cultural, and to some extent, language training in the tribal native language. From your experience, how extensive is that, and how do you handle the situation?

Mr. **Demmert.** Would you let me answer that in an indirect way? The reason I say that is because there is a basic philosophy involved there that seems to me very critical and important. The basic philosophy is, from that perspective, that schools should reflect the desires of the people. If you are hearing that the public schools are not the place for that language or cultural activity to take place, it is unfortunate because when that is evident or when that occurs, the learning environment is not internal but external.

I would say that I don't have any feel for the extent of that, except in the 1969-70 Senate hearings on Indian education, some of the testimony points to that as a problem. I think that the problem has been somewhat resolved as a result of title IV, part A, as well as part B, which tend to provide Indian communities a wedge into the public school system to begin responding to and meeting the needs of the Indian community.

The only reason that I am aware of, where it was pointed out that the schools might not be an appropriate place is from the various Pueblo communities.

Mr. **Cross.** Thank you.

Mr. **Blouin.** Mr. Lovesee.

Mr. **Lovesee.** Let me just clarify one thing. Your answer to the restoration type of project, it had not been funded yet, but in fact if funds were available, such projects would be undertaken?

Mr. **Demmert.** We have not funded any projects in that area. When our rules and regulations are final, the schools within the Bureau would then be required to offer that option or opportunity to students in the communities, whether we have the money or not.

If we do not have the money, it becomes increasingly more difficult. If we have the money to help stimulate activity in that area, it becomes much easier.

Mr. **Lovesee.** Do you have any problems with the fact that it has a tendency to go beyond the title VII mandate, which is kind of the guidepost to show that Congress has so far viewed local bilingual educational programs as a transitional tool?

Mr. **Demmert.** In that instance, we are talking about a difference in attitude, in part, I think, among the people being served. The Indian community has a very strong feeling for the need to continue that Indian identity. But until an opportunity is given through the formal education process to help perpetuate it, it will continue to erode.

When the Bilingual Education Act was drafted, it was drafted to help non-English speaking individuals to learn English. So we are talking about a different thrust, a different activity, a different concept, and the Indian community is telling the Bureau strengthening native languages is a must, and one that is strongly supported through the proposals that have been submitted not only under title IV, some of which have been funded, but under the Bilingual Education Act, all of which have not been funded because they did not meet the requirements of that particular piece of legislation.

Mr. **Lovesee.** The way I read the testimony now, this is a planned policy.

Mr. **Demmert.** That is correct.

Mr. **Lovesee.** There is no current promulgated Bureau policy on bilingual education.

Mr. **Demmert.** None have been published. That is correct.

Mr. **Lovesee.** But there are in the schools that I have visited, bilingual education programs, especially in the boarding schools, which are funded through OE, programs such as title I which is the source of a certain amount of funding.

It seems to me, and I know that it has been discussed in the past, there is nothing more basic to an education than being able to understand what the teacher is saying. So why is it taken out of supplemental funds, which are supposed to supplement, instead of being included in the basic funding pattern of the school?

Mr. **Demmert.** To understand, or to respond to the question, and understand the response, at least from our perspective, one has to understand what the Bureau schools were originally intended to do, and the Bureau schools were initially intended to remove the Indian culture from the Indian community. That was during the very early U.S. history.

It takes 40 to 50 years to change a concept, or an idea and move into a new direction. The Meriam Report in 1926, or 1928 when it was published, started the thrust and made recommendations for a major change and that was some 40 years ago. We are just reaching the point where it is an acceptable concept.

Mr. **Lovesee.** So your suggestion is that it should definitely be basic funded.

Mr. **Demmert.** That is correct.

Mr. **Lovesee.** I believe, as a matter of fact, in a proposal which is being discussed in the Bureau of basic funding, it is part of the basic funding package.

Mr. **Demmert.** That is correct.

Mr. **Lovesee.** Let me shift gears here a little bit, and go to something that was mentioned in the statement. I wonder if you could summarize briefly the Bureau's current situation with respect OCR and the *Lau* decision.

Mr. DEMMERT. I did not understand the question.

Mr. LOVESEE. Has OCR been in contact with the Bureau? I believe in your statement you touched on it briefly. Do you feel that OCR takes into consideration the unique quality of the relationship with Indians?

Mr. DEMMERT. In the first instance, OCR has been in contact with the Bureau of Indian Affairs. I talked to the representative at the Old Indian Desk, I believe, in the Office of Civil Rights. David Lehman, one of the lawyers who has worked extensively in that area, said that there has been interaction. This is in response to your first question.

In response to your second question as to whether the *Lau* decision is appropriate to Indian communities, in part, it is, where it deals with that section where we teach English as a second language, but it does not address the second issue that I have addressed earlier, that of retaining one's cultural identity and language.

Mr. LOVESEE. If I can pursue that. Following the *Lau* decision, and going on the theory that the States have a basic obligation to provide services for all people, there has been discussion that even in instances where the Bureau is conducting a school program, the State is not relieved of its obligation to see that those kids get a bilingual education if they need it. There has been some discussion that OCR may, for purposes of a compliance plan, require some type of intercooperation between Bureau schools and the State department of education.

In other words, if the Bureau schools do not teach bilingual education, and it is determined that those children have those needs, the State could be held in noncompliance, because they have the basic obligation.

Do you see this as creating unsurmountable obstacles, or do you feel that it is simply stretching the theory past the point where it has any practical application?

Mr. DEMMERT. I think that the concept is not appropriate. I think that when we try and mix the Federal responsibility, we talk about confusing issues that would never be sorted out. I think that one has to address the issue of the Federal responsibility, and the Bureau schools separately. The point of view that we come from, in general—when I say, we, I don't mean we at this table in this case—is that the State has a responsibility for meeting the educational needs of students within that State. Every citizen has that right, including Indians; where Indians choose to attend public schools.

Now we look at the other side of the coin, where the Indians have another option, and attend the Bureau schools, then we have a Federal responsibility based on the political relationship between the Indians and the Federal Government.

If we try to mix the Federal responsibility with the State responsibility, I am not sure that we can work that through adequately or appropriately.

Mr. LOVESEE. Thank you, Dr. Demmert. That is an excellent statement that you submitted this morning.

Mr. BLOUIN. I think that is it, Dr. Demmert. Thank you very much for coming this morning.

Mr. Quie. There is one thought that runs across my mind.

One of the things that strike me, as I talk to Indians, is that, on the bicultural part of it, that ought to be entirely controlled and handled by the tribe or the Indians themselves, rather than to impose on them in any way some other individual's method—be it a non-Indian or an Indian of another tribe. When you are talking about the culture, the religion plays an important part in understanding. Indian religion is not as readily understood as, let us say, the difference between a Methodist or a Baptist.

The religion of the Indians are not readily understood by non-Indians, and have had a tendency in the past to be scoffed at, the way we once experienced between religions among non-Indians.

When all of that is put together, it seems to me that we have to insure that to the extent there is any Federal help provided for bicultural programs, that they should be handled entirely by the Indians in their own communities.

Mr. Demmert. We would agree with that.

Mr. Quie. That is all.

Mr. Blouin. Thank you.

Our next panel will be made up of a group of three, Ms. Jeanne Thomas, Director, JOM Consortium of Parents, Yakima Reservation; Dr. William Leap, Director, Indian Education Program, Center for Applied Linguistics; and Mr. Stuart Tonemah, Executive Director, National Advisory Council on Indian Education.

If all three of you would come forward, and if you have anyone else that you would like to have come with you at the table, feel free to bring them as well.

I understand that all of you have statements. The subcommittee would appreciate your summarizing those statements, and the complete statement will be made part of the record, without objection.

[The prepared statements of William Leap and Stuart Tonemah follow:]

CENTER FOR APPLIED LINGUISTICS, 1611 North Kent Street, Arlington, Va. 22209

BACKGROUND CONSIDERATIONS FOR FEDERAL SUPPORT OF INDIAN BILINGUAL/BICULTURAL PROGRAMS.

Testimony before the Subcommittee on
Elementary, Secondary and Vocational Education,
September 16, 1977

William L. Leap, Director
Indian Education Program
Center for Applied Linguistics
Arlington, Virginia

The Center for Applied Linguistics is a private, non-profit research and development agency concerned with the role of language and linguistics in all areas of public policy and educational training. Working within that mandate, CAL's Indian Education Program assists in the planning, implementation, and evaluation of language and cultural maintenance projects based within reservation and tribal communities or within urban Indian contexts.

The Program assumes that Indian people (and particularly, the membership of the local Indian community itself) are in the best position to know what their interests and needs are; and that Indian people (and again, members of the local community) must play active roles in designing and carrying out projects which address their own sense of cultural priority. In these terms, the role of the outside (e.g. non-Indian) agency, CAL included, lies in these three areas:

- providing resource materials, staff training, project evaluation, and other support services which will strengthen the community's abilities to manage its own cultural resources;
- supplying technical assistance, when requested, toward some particular area of community-defined developmental need;
- acting as an advocate for Indian cultural rights, within the community and tribal context and within the decision-making contexts of the non-Indian sphere.

Our work is funded, in part, by grant no. EH-25606-76-769, awarded to CAL by the National Endowment for Humanities. The terms of that award also allow us to make small grants in aid to community-based language maintenance projects, to assist in some particular way with the work being undertaken.

Examples of current program activities include the following:

- Ponca tribe, Oklahoma: design of a functional writing system for recording critical words and phrases, as well as recipies, historical anecdotes, personal recollections, and other forms of Ponca verbal heritage; development of reading materials to introduce the use of the writing system to the local population.
- Neah Bay, Washington: coordination of a planning workshop, to map out a three year plan for integrating Makah language tradition into the local museum project and other community efforts to preserve tribal heritage.

Attending the workshop, in addition to Makah personnel, were representatives from the Rocky Boy Reservation (Montana) who shared their experiences in language maintenance with the Neah Bay community.

- Boston Indian Council, Inc.: assistance in the designing of Micmac reading and resource materials, to be used in the home-based Micmac cultural retention programs within this urban community.
- Lummi, Washington: funding to bring a linguist into the community, to gather folklore and other text materials written in the newly developed Lummi alphabet, to add to the tribe's cultural archives.
- Hopi Nation, Arizona: funding and planning services, to hold a workshop where speakers of Hopi will gain greater technical understanding of the structure and cognitive nature of their language. All sessions will be held In Hopi, leading here to a new definition of Hopi language arts (and the Hopi language artist) for the tribe.
- San Pasqual Band (Diegueno), California: funding and evaluative services for a local project to prepare language learning cassette tapes for San Pasqual Diegueno.
- Auburn, New York: development of a "home-study course" to teach Abenaki language to two tribal members currently in residence at the state penitentiary.

The program has worked closely with the BIA in developing a plan for bilingual education in the Bureau schools. We prepared the evaluation master plan for the (Title VII-funded) Native American Materials Development Center in Albuquerque last spring, and continue to assist the Bilingual Education Service Center (Arlington Heights, Ill.) in their work with Indian communities in Region V. In all, the program is involved in 34 Indian language maintenance projects in 19 states, and it is out of that perspective, that I wish to speak with you today.

The past ten years has seen a growing interest on the part of American Indian people in efforts to preserve and maintain their unique linguistic and cultural resources. In spite of the continuing pressures for Indians to "assimilate" themselves into the "mainstream" of American society, Indian people continue to call for recognition of the uniqueness of their cultural identities. Within all areas of planning and policy-making, this call is seen most clearly in the demand that the children no longer be denied the opportunity to develop speaking skills in each tribe's ancestral language.

More than a call for "bilingual education" (in the sense defined by Title VII legislation) is at stake in this demand. Title VII (as will be discussed below) provides incentive and funding only for transitional language instruction and, for this reason cannot be used for more inclusive purposes of language maintenance. And it is the maintenance of Indian language fluency, the continuation of the country's Indian language traditions, which is at issue when Indian people discuss bilingual/bicultural questions. In many cases, this is precisely the issue which is ignored when non-Indian policy-makers deal with the same set of questions.

Several arguments can be offered, to explain why the ancestral language question is receiving so much attention within the national Indian community. Most critically, it is important to recognize that we are dealing here with 206 different languages and major dialects. Some of these (Ponca, Quapaw, and Omaha for example) are quite similar and often mutually intelligible. Others -- Apache and Mohawk, Dakota Sioux and Seminole, show little similarity at all. In some cases, dissimilar languages can still be shown to be members of some more inclusive language family -- Kiowa and the languages of several New Mexican pueblo communities, while seemingly dissimilar, can be shown to have arisen out of some common language source, much in the way that the Romance languages developed out of vernacular Latin of the late Roman empire. Evidence (howsome ever tenuous it may be) has also been advanced linking some American Indian languages with the indigenous languages of Asia: Edward Sapir once suggested such a linkage between Navajo and Chinese, for example. But there are other languages -- those of the Keresan pueblos in New Mexico, for instance, which are not only relatible to any other languages in North America, and quite possibly not to any language currently spoken anywhere in the world.

The resulting picture may seem complex, but it helps explain why a single set of language policies have never been able to meet the needs of all Indian communities with the same degree of consistency or effectiveness. The picture is not uniform. Even though there are 206 different Indian languages, the numbers of speakers of each language can show great variation, as the data in the following table will show:

Fluent speakers are predominantly:	over 50	over 20	all ages
For languages with:			
less than 10 speakers	49 lgs.	-0-	-0-
10-100 speakers	24 lgs.	7 lgs.	2 lgs.
100-1000 speakers	6 lgs.	29 lgs.	38 lgs.
1000-10,000 speakers	-0-	6 lgs.	39 lgs.
over 10,000 speakers	-0-	-0-	6 lgs.

These data are drawn from the published results of a survey to provide "estimates of speakers of Indian languages" carried out by the Smithsonean in 1962. To our knowledge, this is the only survey undertaken specifically to obtain such estimates in recent years, and the data are now fifteen years out of date.

But these data can be useful to present purposes, provided the following limitations are acknowledged:

- The tabulations were made before bilingual education became an acceptable classroom activity in many Indian schools, so in some instances, the number of speakers in the lower age brackets may need to be adjusted upwardly.
- People who have left their home community and moved into the urban context may also have been excluded from these estimates, whether these persons would give a greater, or more restricted range to the picture of fluency for any given language cannot be ascertained.
- The table provides no estimates of the numbers of communities where the ancestral lnaguage is no longer spoken, even though we need those data to have an accurate picture of the total Indian language maintenance need in this country.
- Profile estimates for many of the non-recognized tribes have also not been included.

That such limitations should be present is hardly surprising. It has always been difficult to provide a precise estimate of the number of speakers of varieties of Indian fluency under one rubric ("Indian"). Scholars who study Indian languages usually work with a limited number of speakers or in clandestine research conditions, so an accurate or reliable impression of local language fluency is ofttimes difficult to obtain from those sources. Community members, whose impressions on the question would be more realistic, frequently view attempts at "language census" as another form of outside interference in their private lives, and are usually not willing to cooperate in such efforts for that reason.

But even under the best of circumstances, such statistics often mask some important aspects of language use within Indian communities. It is not uncommon to find instances where the language of daily life is English, yet in ceremonial or other highly valued contexts, English fluency gives way to ancestral language expressions. The multi-cultural life experiences of many Indian people makes such a linguistic "division of labor" almost a functional necessity and such compartmentalization has been characteristic of many Indian speech communities for many years. This helps explain why census-takers, educators, and other outsiders often report one picture on local language fluency, while community members themselves offer exactly the opposite profile. Some of the more important opportunities for Indian language use may not be open to or be appreciated by non-Indian observers.

Just because a significant portion of the community is identified as "fluent" does not mean that all of these people speak in identical or comparable speech styles. Generational differences frequently occur, where younger members of the community use English loanwords in place of traditional vocabulary, or modify their pronunciation pattern in the direction of English phonology. The grammar of some languages has begun to show direct influence from English structure as well, causing a loss of much of the explicitness (and often, the accuracy of expression) which ancestral speech provided. Even where traditional expressions are retained, normal linguistic variability (so-called "language drift") often allows social and generational positions to become identifiable in linguistic terms. Formal differences between men and women's speech are familiar to many speakers of Siouan and Muskogean languages; generational gradients characterize the speech of many pueblo Indian communities.

Such "non-uniformity" is a normal and expectable characteristic of language use in any speech community. When viewed in that sense, the noticable inroads made by English, when they occur, help document the continuing vitality of Indian languages, and not necessarily their demise. (The loss in verbal aesthetics which comes from vocabulary and grammatical shifts cannot, of course, be dismissed so easily.) All Indian languages retain a sufficient amount of their historical integrity to keep their structure and semantics distinct from the languages of European America. Linguists have long recognized these differences and have now begun to give the analysis of Indian language structures offered by their "untrained" informants a critical place in Indian language description. Some linguists, in fact, would argue that truly accurate description can only be made by native speakers themselves -- a point which has considerable impact both on directions of linguistic research and on the federal (and other) role in supporting such studies.

The fact of such contrasts provide a powerful justification for the tribe's interest in maintaining ancestral language fluency within the home community. At base, they remind the speaker that no single language can have monopoly over truth, logic, or precision of expression. English grammar, for example, allows the speaker to say: I am growing corn. Most Indian language grammars disallow literal translation of the sentence, since the corn and not the gardener will be doing the growing. Similarly, sentences like: The coke machine took my money or The Xerox machine makes 50 copies a minute are "nongrammatical" sentences in many Indian languages -- since machines, not being animate, cannot do anything under their own power or initiative.

No Indian community has ever denied the importance of English fluency for its membership. But the Indian community's perspective, English alone is not sufficient to meet all of its people's speaking needs and speaking tasks. Indian communities have known this for a long time, as have some non-Indian educators. Most non-Indians forget that the schools founded in Indian communities by missionaries at the time of initial European occupation of America provided their instruction by using local Indian languages as well as the mother tongue of the missionary group. Choctaw and Cherokee people, among others, placed high value on the aid to language maintenance which these schools provided, and took over responsibility for their own tribally-based schooling programs until the time when federal policy forbade the teaching of Indian students in any language other than English. The creation, acceptance and use of syllabaries in Charokee, Cree, and Ojibwe communities, and the popularity of the English-based alphabets used in the Sioux communities emphasize the same point: Indian people have never neglected any sensible opportunity which promised aid in preserving ancestral language skills. To this writer's knowledge, there have been no instances, either historical or contemporary in context, where an Indian community has deliberately or willingly allowed ancestral language fluency to disappear.

But Indian languages have disappeared. If the estimates of some in the profession are valid, there may have been over 500 different Indian languages spoken in the United States at the time of the discovery of America by the Europeans. Of these, as noted, 206 are still spoken, and not with the same degree of security in all communities. There are those who estimate that Indian languages disappear at the rate of one language per year. Several factors, including the following, help explain the continuing pattern of Indian language loss.

. First, there was a full-scale destruction of many Indian tribes either through deliberate genocide or through more subtle processes (the removal of Indian people into "Indian country", the formation of the reservation system, and now the continual pressures to move into the mainstream presented by the surrounding society.)

. There has been the long-standing commitment of the Bureau of Indian Affairs (BIA) and other Indian authorities within federal and state governments, to assimilationist policies. Such agencies tend to react to any expression of Indian identity through Indian culture as a move toward cultural pluralism and a separatism, and away from the goals preferred by the larger society. Only until quite recently has the BIA given serious thought to the use of native languages in its classroom as a BIA-wide policy.

The language policies of the federally controlled Indian schools have had particularly critical impact on Indian language loss. At one time, the use of any language other than English for instructional purposes within an Indian classroom was expressly forbidden by federal policy, thereby bringing over 100 years of tribally based bilingual schooling in many communities to an end. Children were even punished for speaking their ancestral language on the playground or in other informal contexts. The use of the off-reservation boarding school as the main focus for secondary education also enters in here. Always located far from the home community, the boarding schools guaranteed a lengthy separation of the student from the influency of his ancestral culture. The thorough mixing of tribal backgrounds in the dormatories, where English could be the only common language among the student population, assisted in this regard as well.

. Such policies also had deliberate impact on ancestral language maintenance, in a fashion their advocates may not have predicted. Parents who went through the boarding school experience vowed never to subject their children to such humiliation. To guarantee this, in some instances, parents deliberately stopped speaking the ancestral language to their children and insisted on a monolingual, English-only home environment delaying the acquisition of Indian language fluency until some later point in the child's life. This, they felt, would make certain that no language "handicap" would cripple their children's educational betterment.

. In recent years, particularly after World War II, policies of out-migration began to move Indian people from the reservation into the urban context. Where many members of the same community made such a move, it was possible to transplant some sense of community life into the city and fluency in the ancestral language could remain viable in the alien environment. More frequently, however, the move to the city was made by individuals or by single families. The practical necessity of family-focused English fluency could not be ignored under those circumstances, and unless strong ties could be maintained with the home community, language loss was inevitable.

. The role of Headstart and other child care programs in the decline of Indian language fluency also needs to be assessed in this regard. This is not to disregard the important benefits which "early childhood intervention programs" have had in areas of health and personal welfare; in some instances (notably, Acoma and Choctaw), these programs have been integrated into the community's efforts at native language maintenance. In most cases, however, the programs are run by outsiders and staffed by younger adults from the community, whose fluency in the ancestral language may not be as strongly grounded as their grandparents, who took charge of the family-based, day-care effort in traditional times. It is difficult to see how young adults could provide as effective a language model for the children, especially if they are working with lesson plans based on non-Indian views of child development.

. There is one final reason why language loss has been a common part of the Indian language experience in America: the assumptions and stereotypes which the society at large brings to any consideration of Indian language fluency. Rank-and-file Americans tend to know little about Indian people, and even less about Indian cultures. The public media remains the basic source of information. Indian people were viewed as primitives and as savages until recent times. We still see reflexes of this attitude in contemporary society, most noticably in the tendency to group all Indian peoples into a single category ("the" Indians) who speak the same (Indian) "dialect". No wonder it is widely assumed that if Indian people want to better themselves, they need only shift from "Indian" to "English".

II

The interests of Indian communities in language maintenance, like the current state of Indian language fluencies, present a picture of extreme diversity. In communities where only the older members speak the ancestral language and there is interest in expanding the speaker skills into the younger generations, strategies leading to language restoration are being devised. Communities where the ancestral language is no longer spoken by any segment of the membership offer a more challenging variant to this need. In communities where the children are fluent in the ancestral language, community concern focuses on Indian language retention while instruction in English as a second language, or development of existing English language arts skills, as appropriate are provided through the local schooling program. Not surprisingly, then, the approaches to language maintenance being used to address theseinterests in language maintenance also show great and creative diversity.

First, there are the possibilities of language instruction (and continuing language use) offered through existing traditional institutions. The religious and ceremonial life of each community, for example, frequently allows important opportunities for concentrated language instruction. "Initiation rites" often involve the learning of terminology, songs, and other verbal lore necessary for responsible and meaningful participation in these activities. In communities where the native religion is gaining increased acceptance once again, extensive language (re-)learning is also beginning to be evidenced. As long as community leaders have retained ceremonial knowledge in the ancestral language, traditional institutions provide invaluable resources to the local maintenance effort, in a fashion consistent with the overall style of teaching/learning also traditional to the community interest.

Similarily, opportunities afforded by tradition or more recently imposed "constitutional" government structures function indirectly toward language learning ends. In communities where the tribal council or community-wide meetings are conducted in the ancestral language, or where the use of English on those occasions, while permissable is not preferable, young people remaining on the reservation and participating in these affairs are expected to become fluent in the language of these activities. Specialized vocabulary in English as well as traditionally based terminologies are therefore required, and attendance at these meetings, reinforced by opportunities for practice in the home or other less formal contexts, produce a growth in necessary language skills, noticable soon after the young person begins his involvement in these aspects of the community life.

Both of these examples underscore the importance of the home as a language learning center in the Indian community. Homes where fluent grandparents reside have always given the children a natural advantage over children who come from more nucleated family units. But with the increase in day- and wage-labor and the growth of single-family residence units on the reservations, opportunities for intensive daily contact with grandparents have begun to decline. Families with parents from differing tribal groups may add further complication to the picture.

Some work is now being done, through Parent-Child Development Program, Head Start programs, and other early child-care efforts, to develop home-based (or day-care centered) language-related teaching materials for use by pre-school students in these contexts. Ancestral language instruction is basic to the PCDP programs at Acoma pueblo and in the Mississippi Choctaw communities. This approach assumes, however, that there are fluent speakers supervising the activities of the child(ren) who can assume responsibility for the instruction-related components of these activities. Where this is the case, and where adult literacy in the ancestral language can be developed, supplying the home or day-care center with reading materials in the native language has been found to have positive impact on the child(ren)'s language skills and language-related interests. Yet a definitive set of guidelines for encouraging language training as a part of early childhood efforts has yet to be developed; at present, home-based initiatives depend on the interests of the PCDP or child-care program authorities, and on the willingness of parents or grandparents to work within such a formalized instructional framework. Here, as elsewhere, success depends on local-level initiatives.

The importance of home based instruction has become increasingly important within the urban Indian context. The diversity of Indian language backgrounds represented in any urban community or school district is often used by non-Indian educators as an excuse for taking no action, since (as it is argued), each language must have its own instructional curriculum. That such efforts need not be costly is being demonstrated by several Indian educators in the Chicago area, who are developing sets of home-based materials which can be used as activity-sheets for children placed in grandparents' care during the working day. The model for these worksheets comes from materials prepared by the Quileute people of Washington State ("Quileute for Kids", books 1-3), to reintroduce familiarity and fluency on the K-3 level in their community. Ponca and Quapaw authorities are planning to use similarly designed materials, to address the ancestral language question in their communities, under a project through the Oklahoma Indian Affairs Commission, funded in part by the National Endowment for the Arts.

The basic question in the design of such home-based materials is, of course, *what* to teach. Well meaning parents often assume that if the child learns sets of vocabulary words today, tomorrow he will become a fluent speaker. Without providing adequate examples of sentence formation to the child, such a personal transformation from passive to active skill is not likely to occur -- unless, as sometimes happens, the child combines English grammar and Indian vocabulary to meet his conversational needs. Some of the "more acculturated" Indian speech styles used in urban and reservation communities today may well have their origins in such a process of re-analysis. While the end-product may not be aesthetically pleasing, such codes do underscore the point that Indian children will work with whatever linguistic resources provided to them, to develop a linguistic *entré* into their cultural heritage.

Thus, just as institutional opportunities for linguistic reinforcement require input and support form the home context (a critical factor in the several communities where the ceremonial life is also almost gone), language teaching and learning in the home requires additional reinforcement as well. Parents, like sympathetic classroom teachers, may need adequate programs for "staff development" to undertake language instruction in a meaningful way. Recognizing this, formalized efforts at Indian language maintenance often develop into community-wide programs where the total membership gives support to the teaching effort. In some instances, the tribal government has contracted with an outside language specialist or research organization, to develop an instructional package which the community can use for language-related purposes under its own auspices, through evening classes at the community center or through other, equally convenient means. Coeur d'Alene people (Idaho) recently developed a textbook for a "modern course" in their ancestral language (Snchitsu'umshtsn: The Coeur d'Alene language, 1975). Accompanying cassette tapes and a highly sequenced set of lesson plans allow individualized instruction, though some efforts to hold formal classes using the materials are also intended. The Quileute language materials mentioned above are also the product of a similar arrangement between community, native speaker, and qualified outside consulting linguist.

In other instances, community preference leads to the development of a native language component within the local school, a so-called (but misnamed -- see below) bilingual education program, where educators and community personnel share the responsibilities of the language teaching effort as part of each classroom day. To gain an effective picture of the concerns of these programs, we have to distinguish between the developmental and implementational stages of such efforts. At the present time, most attention seems to lie in the areas of basic research, orthography development, planning of instructional materials, and the necessary staff training appropriate to the teaching tasks. Until such efforts are well underway, any attempt to begin extensive native language instruction is recognized as premature. Thus in recent years, the opportunities allowed by summer workshop programs have become increasingly popular toward this end; workshops allow staff training, language research, and materials development to occur under qualified professional leadership, within a concentrated period of time. The work of the SIL-related Native American Linguistics Institute, which offers training in linguistic analysis at the beginning and advanced levels to fluent community members, should be mentioned in this light. It is the only summer program which affirms the right of native speakers to serve as their own community's language specialists.

University programs in some states have begun making responses to similar needs, either by sending faculty into the community for purposes of on-site instruction (as did University of New Mexico under contract to the Sanostee and

Toadlena schools), or by setting up degree or training opportunities within the university curriculum for more intensive student training (as is currently going on in the new Linguistics Program at the University of Arizona). The recently created resource, materials development and dissemination centers, funded under amendments to the Bilingual Education Act (Title VII) also offer possibilities for securing qualified outsiders for on-site staff training and development, though the inappropriateness of Indian language needs under the Title VII mandate usually exempts these communities from such services.

Ultimately, the community itself (or some portion of its membership) has been left to its own devices where the planning and implementation of a native language maintenance program is concerned. Usually, the local school becomes the focal point for these initiatives. The school is already charged with responsibility for the formal education of the children, and many parents feel that it should not neglect the Indian side of their education, as has so often been the case in the past. In instances where young people are fluent speakers, the possibilities of serving community-related language interests as a member of the school staff (teacher or teacher-aide) are looked upon with increasing interest; BIA mandated Indian-preference hiring policies guarantee that, where qualified local candidates for teaching positions can be identified, jobs for these candidates can be secured. In several areas (South Dakota and New Mexico are two examples), state colleges and universities have made provision for the training of Indian teacher candidates to serve as teachers of bilingual-bicultural education.

In instances where young people are not fluent speakers, the absence of fluency does not necessarily pre-empt them from language-focused, school related employment. Here the Oneida Language Project (Wisconsin) is perhaps the best example of what can be done. Only a small number of the older people are fluent speakers. So, to carry out an Oneida-as-Second-Language program in the four schools serving the community, a two-step program has been set up under Title IV funding. Young people receive instruction from fluent speakers on a particular topic or lesson plan on day-one, then they go into the classroom and provide the instruction to the students on day-two. The benefits of having the newly trained teach the untrained are basic to the operating philosophy of the Laubach Literacy method; comparable success is evidenced in the growth of langauge skills and interest in language learning at all levels of the Oneida program. Some argue, of course, that having non-fluent speakers assume so critical a role in the instructional process could weaken the quality of instructional content. The Oneida program has built-in feedback mechanism to alleviate the problem in this instance: children go home, share their new language skills with grandparents, who can cross check on day-three, the information that was originally provided on day-one, completing the cycle and continuing the program dynamic. Again, note the critical role of the home in this school-related effort.

There are instances where community members distrust the inclusion of native language maintenance programs within the local school, viewing this as an additional intrusion of Anglo society into the private affairs of the local community. The Miccosukee people (South Florida) have reached an intriguing compromise in this regard. Four days a week, classroom instruction is carried out in English-related content subjects, using English as the language of instruction. One day a week is set aside for Indian-related education, and community members, rather than "teachers" assume responsibilities for student instruction. To underscore this point, the classroom is moved from the school to a nearby, out-of-doors locale, so that traditional topics can be dealt with freely, without fear of outside interruption.

San Juan Pueblo's day school (New Mexico) has achieved a second solution to this issue. The language of the school is English, but time is reserved for Tewa language arts in each classroom all the same. Then, as the students' Indian language fluency becomes more secure, instruction in content subjects through the ancestral language as well as English may be provided, to reinforce the practical uses of Tewa fluency which the program is seeking to provide. Public schools on the Yakima reservation, and the community controlled school at Rocky Boy (Montana) also have programs underway constructed out of a comparable mold.

In instances where the students come into the school already fluent in the ancestral language, the common tactic now finds instruction beginning in the native tongue, building student English fluency until both languages can be used in a contemporary way to meet the goals and objectives of the instructional curriculum. The community controlled schools on the Navajo reservation provide our best example of this approach to Indian education. As the following statement of objectives suggest, the content and direction of language instruction is quite consistent with the overall focus of the school's commitment to education:

> Upon graduation from high school, students should demonstrate the following competencies: (1) fluency in both English and Navajo; (2) communicativeness; (3) the ability to understand the speech behaviors, values, and attitudes of Navajo elders; (4) the ability to demonstrate appropriate clan membership, privileges, and protocols; and (5) the ability to discuss Navajo tribal government, current issues, organisations, accomplishments, and anticipated future developments.

III

In the case of the community-controlled Navajo schools, we are dealing with with a language situation quite opposite from that at San Juan, Yakima, Rocky Boy, or Oneida: here, it is English language and not Indian language arts which require concentrated initial attention. All of these programs use two languages, the ancestral code and English within the classroom context, but uses to which the two languages are put varies quite widely, one instance to the next. Herein lies the fallacy of the incautious reference to school-related Indian language maintenance programs under the cover-term: *bilingual education*. Strictly speaking, bilingual education implies classroom instruction in two languages -- the language of the home and the national language. More often, especially because of the wording of the Title VII guidelines and the provisions of the Bilingual Education Act, bilingual education has come to mean instruction through the language of the home *until* the students' English language skills have been sufficiently developed to be used in this capacity. At that time, usually after grade 3, English becomes the only language of the classroom and Indian language arts becomes virtually deleted from the school curriculum.

A *transitional* bilingual program (as such programs are called) thus to guarantee that academic growth will not be delayed while students are gaining English fluency: the ancestral language is used as a means to this end, not as an end unto itself. Such a use of ancestral language instruction is not found within a program oriented toward language *maintenance*.

In maintenance programs, as shown in the preceding section, the worth of the ancestral tongue is affirmed in its own right. Instruction is presented to strengthen and expand ancestral fluency because of the benefits which the community sees in greater student familiarity with these skills. For this reason, authority for a language maintenance project always rests within the community, usually with some direct connection to tribal government or local religious structure. Authority for transitional bilingual education may be found in community members, but may just as often be some person on the schooling staff (or in some higher level of administrative authority) assigned this task. And, while a transitional program focuses primarily on grades K - 3 and is always school related, the work of a maintenance program is not restricted to the elementary grades. In fact, because of its self-contained, complementary educational focus, it may not be a part of the regularly scheduled classroom day at all. Such is especially the case in urban contexts, where Indian centers (as in Boston, Topeka) or university programs (such as the University of Illinois at Chicago Circle) sponsor home-based or neighborhood projects. This may also be the case within the reservation or tribal community, especially if school authority is hostile to such enrichments of the existing instructional program.

A clear-cut distinction between these two educational strategies may not always be observed, of course. Many scholars for typological purposes, recognize language maintenance as one model for bilingual instruction, and treat the native-to-English or transitional approach as a second kind of model. But an awareness of the distinction is needed when assessing the availability of technical assistance and support service opportunities as they relate to the language needs of Indian communities. Where language-related questions are concerned, Federal policy (to the extent that it exists) and Federal services continue to be defined in transitional, not maintenance terms. This affects both the availability of Federal funding and the eligibility of Indian communities to receive such funding, where the Indian language questions are concerned.

Of the 135 million disbursed by the Office of Bilingual Education (USOE) in FY 77, 3.25 million was awarded to schools serving Indian students. Thirty-two schools received these funds. In effect, less that 2.5% of the available Title VII monies were directed toward Indian language needs. 27 Indian languages were involved in the funded programs, leaving speaker interests in over 170 Indian languages not being addressed under current Title VII initiatives.

It is argued that an Indian community with language interests differing from those in the Title VII mandate can seek support for their program by applying for funding under Part B of that Act. Several communities have done so, with favorable results. But Title IV cannot be relied upon to serve as a source of support for

Indian language maintenance. Its mandate provides funds for any kind of program promising to enrich the Indian child's schooling experiences. Language program proposals therefore compete with proposals for teacher training, summer education experiences, and other kinds of efforts -- all seeking support out of the same set of "Indian-related" special educational funds. As Title IV continues to direct its monies toward programs which address the special educational needs of urban Indian children (something which few other federal agencies view as a funding priority), the impact which the act can have on Indian language maintenance continues to decline.

A list could be presented here of other federal agencies and programs which have had involvement in Indian language questions in some fashion or another. High on that list would fall the Folk and Traditional Arts Program at the National Endowment for the Arts and the division of Education Programs at the National Endowment for the Humanities, both of these programs are giving increased attention to Indian language needs as they are relevant to each program's mandate. Somewhat lower on the list would fall the various federal agencies concerned with research questions. There, while it is not uncommon to provide funding for non-Indian people to study Indian language grammars, it is quite rare to find the agency providing funding in comparable amounts for community members seeking answers to their own questions about the nature of their language.

The place of the BIA on this list needs special consideration. The Center for Applied Linguistics recently developed a plan for BIA's Office of Education, which would lead to the integration of bilingual education into the core curriculum of all schools in the Bureau system. The statement, in effect, outlined a federal funding and support strategy which would address Indian language maintenance interests in terms most appropriate to each community. A summary of the plan is included as an appendix to this statement, to illustrate the scope of work involved in such a task.

The plan has been circulated to tribal governments and education authorities in January, 1977, and has received favorable (if somewhat cautious) evaluations in almost every instance. Yet, further implementation of the plan has been delayed because of several factors, chiefly: resistence of Indian authorities to other changes proposed within the BIA's educational system; and the deletion of requested 3.0 million dollars ear marked for bilingual education in BIA schools from the

FY 78 budget by the OMB. At present, then, while the BIA has made an on-paper acknowledgement of the right of its students to receive instruction in their ancestral language(s) as well as in English, reliance on the BIA as a source facilitating that instruction remains an expectation, not a fact. Responsibility for current efforts in this area remains with Dr. Dave Warren at the Research and Cultural Studies Section of the Institute for American Indian Arts in Santa Fe. And with his staff limitations (he has a secretary and one assistant) and budgetary limitations (no increase in operating funds was made, commensurate with this added responsibility), Warren's office is restricted mainly to clearinghouse and resource center functions; direct program support is all but impossible in most cases.

IV

Perhaps, in the light of these arguments, it is clear why Indian communities are beginning to show interest in alternative forms of support for language maintenance initiatives. There are communities which rely solely on local resources and local talents for such purposes. Whether this could become a widely accepted alternative to federal support is doubtful. A wide range of tasks must be undertaken before a language maintenance program can be implemented within a given community. These include:

- basic research with the language, to provide effective sequence to the instructional effort and guidance for decisions about spelling conventions;
- development of a functional writing system which does not ignore community preferences and gives adequate representation to the structural features of the code;
- staff training, to provide fluent speakers with the basic skills in language pedagogy and curriculum development, so that the instruction they provide will be of the highest possible caliber;
- the availability of teaching materials;
- an evaluation plan, to monitor the progress of each student according to his abilities and strengths.

Regardless of their internal cultural commitments, few Indian communities can find sufficient resources to underwrite the costs of these efforts independently.

Other local priorities -- adequate housing, employment, health care, and so on, cannot be neglected. Available funds can cover only so many tasks.

The proper role of state level funding and support enters into the discussion at this point. Much consideration is being given to the responsibilities which state governments, given their charge to provide equal educational opportunities for all their citizens, should have in the Indian education area. The Lau decision, which requires that school districts not overlook the language factor when planning programs of instruction for their students, may provide communities with an avenue to put additional pressure on State Departments of Public Instruction toward this end. As of yet, with the exception of dialogue currently going on between the State Department of Education in Alaska and the Office of Civil Rights for USOE Region X, there seems to be little chance on the immediate horizon of a test-case of the implications of the Lau decision for Indian language maintenance.

One form of alternative support for Indian language maintenance is currently proving its worth within Indian country: the increasing and upgrading of local opportunities for community participation in programs for staff development and teacher training. The need for community members to play active roles in any language maintenance effort is certainly clear. These are the people who will have control over the linguistic and cultural skills necessary for truly effective bilingual instruction. Provisions for staff development and training add pedagogical and managerial skills to the expertise they already possess. Their presence in the classroom, first as instructional aides and then as fully certified teachers, guarantees bicultural instruction will be provided whether additional support monies are available for such purposes or not.

The potential which this strategy holds may suggest why the national trend in Indian language maintenance preparedness so often finds its local expression in summer workshops, where community members are trained to serve as classroom aides or as local language specialists; in the interests of younger community members in seeking careers in education as their professional vocation; and in the desires of qualified teacher aides to pursue additional coursework necessary to meet teacher certification standards of each state. The parallel trend, the increase in pressures on State Departments of Education to grant certification to qualified community persons willing to serve as teachers of Indian language arts *strictly* on the basis of their acknowledged "eminence" in that area, is also understandable in these terms.

Since most states and school districts already make some provisions in their operating budgets to hire instructional aides, when qualified persons are available, only one major adaptation in current policy is required when this approach is taken; the replacement of non-Indian staff by qualified and certified Indian personnel. In most communities, the schooling of Indian children is carried out by non-Indian teachers. The situation reported from one Sioux reservation is typical: 76 percent of the students in the schools are of Indian background, but 98 percent of the teachers are white. Their presence in the classroom, even when governed by the best of intentions, guarantees the continuing imposition of an exclusively Anglo (and English-dominant) perspective on each issue explored in the curriculum. Where truly bilingual and bicultural instruction is the issue, staffing changes are often most appropriate. But unless the new staff have had adequate opportunities for training and have taken fullest advantage of those opportunities, little is advanced by those changes. This makes the demand for in-service programs, to meet the needs of local persons already working in the school; and for community-wide workshops programs to serve the interests of potential classroom personnel, an even greater priority within each Indian community.

V

The Indian language maintenance movement calls for more than the "revival" of ancestral language and culture. A new concept of educational quality and educational delivery is at stake here. Not surprisingly, maintenance-oriented bilingual education is becoming an issue for serious discussion within the local communities, regional and national Indian associations, and within various educational interests groups as well. As one educator has written:

> The Native American position is that language is the last frontier and battle between the United States and Indian nations. This battle need not be fought. The negotiation table with détente as a policy stance could improve Indian and Federal relationships immensely. Otherwise, the alternative is our own schools, our own communities, and our own decisions about what our children learn.

II. RECOMMENDATIONS FOR INTEGRATING BILINGUAL EDUCATION INTO THE CORE OF THE CURRICULUM OF EACH BIA SCHOOL.

1. The right of the students in all BIA schools to receive instruction in their ancestral language as well as in English should be officially stated in the appropriate section of the BIA policy manual.

2. Final decisions about language policies and their implementation in each BIA school must be made by Indian triabes or communities as directed by Indian parents.

3. Each BIA school should set up a committee (the designated local authority or DLA), composed of parents, tribal authorities and other persons from the students' home community(s), to coordinate and supervise the instruction in ancestral language arts provided by the school curriculum.

   3.a Where such committees already exist, the school should affirm their authority over all matters relating to ancestral language instruction.

   3.b. BIA should draw on the experiences of existing committees and develop guidelines to assist in the creation of DLA's in other locales.

4. BIA must guarantee that each community will have an effective basis for informed decision-making on all school-related language matters.

   4.a. BIA should develop a variety of mechanisms to acquaint community members with the experiences of ancestral language programs or other Indian communities and schools.

   4.b. A comprehensive assessment of needs, resources, and preferences for language-related instruction should be undertaken in each community.

5. The language related concerns identified for each community should be systematized into a language action plan. The plan should be used to guide and evaluate the development of ancestral language and English language instruction in the local school.

6. A new position -- the bilingual education specialist, should be added to the staff of the BIA Office of Education, to provide a basis within the central office for coordinating school-related bilingual planning in each community.

7. The staff and functions of the Research and Cultural Studies Development section of the Institute for American Indian Art should be expanded, to include the delivery of support services necessary for each community's language-related planning efforts.

8. To provide a practical basis for developing programs for bilingual instruction within the BIA system, a series of pilot bilingual projects should be set up during the first year of the BIA bilingual initiative, with the number of projects expanded in subsequent years as appropriate. Selection of the site for each pilot project should be based on such factors as: geographic and tribal diversity, relative extent of ancestral language fluency in the home community, and previous experiences with bilingual instruction in the school and home community to guarantee that a wide range of program experiences can come out of the pilot effort. At minimum, each administrative area should contain one such project during FY 78.

9. BIA should expand its efforts to provide Indian communities with current information on all aspects of bilingual education.

- 9.a. Practical materials which can be used to guide their discussion of language-related educational options should be developed and circulated to the members of each Indian community.
- 9.b. A nationally focused Indian Education Clearinghouse, and/or a series of regionally focused clearinghouses, should be created and given

responsibility for collecting and disseminating information about recent advances in school-related ancestral language maintenance.

9.c. The focus of BIA's several publications in Indian education should be expanded, as appropriate, to guarantee that a wider audience will have access to current trends in bilingual education.

9.d. Requests for information will undoubtedly identify areas where further research and development will be necessary. Regular provision for addressing these needs as thay appear must be made by BIA authority -- by staff assignment, by contracting with an outside agency, or through other appropriate means.

10. Programs offering bilingual instruction make particular demands on the capabilities and qualifications of the classroom staff. Therefore, opportunities for staff development and training for all persons who contribute to the education of students in BIA schools should be expanded, in the light of those demands.

10.a. In every instance possible, the staffing needs of each school's bilingual program should be met by securing the services of persons from the students' home community(s). Appropriate rank and salary benefits for these persons should be assured by creating provisions for competency- (or performance-) based certification or eminence credentialling, as appropriate to each person's background, skills, classroom experiences, and career goals.

10.b. Existing ties between BIA schools initiating programs of bilingual instruction, and quality teacher training programs in the colleges or universities in its immediate area should be strengthened. BIA should join forces with other agencies and interest groups working toward an increase in the availability of such programs and the services they can offer to the BIA schools and communities.

10.c. BIA should develop handbooks, guidelines and other resource materials to be used by local communities and their DLA's in designing and carrying out effective, long-range staff development plans.

10.d. Training opportunities should be provided to the non-Indian staff of each BIA school, to help them play more critical roles in the school's program of bilingual instruction.

10.e. Provisions to guarantee the effective training of the next generation of Indian teachers -- through an early identification of students with education-related career interests, an increase in opportunities for career counseling and an expansion of scholarship fund, should be made. The special staffing needs of community-focused bilingual programs within Indian schools should likewise be addressed by similar means.

11. Curriculum planning, as necessary under the new BIA commitment to bilingual education, must be undertaken as a school- or community-specific endeavor. Each BIA school should, in effect, become its own materials development center.

11.a. Persons from the students' home community(s), including those currently employed by the school in some capacity and other community members, should be involved in integral ways in the curriculum development process.

11.b. The goal of curriculum development at each site must be the integration of bilingual instruction in all phases of the school curriculum, in the fashion deemed most appropriate and desirable by the students' home community(s). Because of varying levels of ancestral language fluency and differing experiences with the process of bilingual instruction, curriculum planning must be viewed in long range, developmental terms at each site. The most immediate curriculum needs should be clearly identified in the local action plan developed by each DLA and prioritized in the light of existing instructional materials, unmet research and development needs, and other such factors.

11.c. The technical demands of curriculum development within a bilingual schooling context require that the services of a fully trained curriculum specialist be available to each pilot project, and to other schools in the area adjacent to each project as well. The primary responsibility of each curriculum specialist will lie in the development of a comprehensive, properly sequenced curriculum plan which will lead to the strengthening of ancestral language and English language skills and to an increase in the use of those skills in all areas of classroom instruction.

11.d. Appropriate training in all aspects of the curriculum development process should be given high priority in every staff training effort made available to the local school. Particular emphasis must be given to the need for community members as well as members of the school staff to become involved in all phases of these training programs.

11.e. As student skills in both target languages (the ancestral language and English) become increasingly secured, attention will need to be paid to the development of instructional materials and lesson plans for bilingual instruction in mathematics, social studies, science and other content areas, as appropriate to the local community needs, interests, and preferences.

12. Provision must be made for BIA to increase its responsibilities for supporting innovative, bilingual education-related research efforts.

12.a. While specific tasks will be identified through the experiences of the several pilot projects and the statements of local need identified in the language action plan, the need for support for four general research and development tasks may be anticipated:

- development of reference- and resource-grammars, describing the structure of each ancestral language used for bilingual instruction, and identifying similarities and differences between that structure and English;
- provision of a functional writing system for each ancestral language where the speakers desire it;
- clarification of the styles of learning (and teaching) characteristic of Indian community contexts, especially where these styles contrast with the educational processes of western societies.
- creation of adequate models for evaluating the success of school programs providing ancestral language instruction, in terms meaningful to community priorities and relevant to community interests.

12.b. All research and development tasks sponsored or encouraged by BIA must be undertaken within a context of community supervision and community control. The results of such efforts must clearly be to the benefit of the local community's educational interests.

Statement by

Stuart A. Tonemah
Executive Director

Jim Sappier
Council Member

National Advisory Council on Indian Education

Before

The House Committee on Education and Labor
Subcommittee on Elementary, Secondary, and Vocational Education

September 15, 1977

BILINGUAL/BICULTURAL EDUCATION

The National Advisory Council on Indian Education was established as part of the Indian Education Act of 1972, Title IV, (P.L. 92-318 and amended by P.L. 93-380). The Council is composed of fifteen (15) American Indian and/or Alaska Native members who represent a diverse cross section of American Indians in the United States both in tribal affiliation and geographic areas. The members are parents, tribal leaders, educators and other professionally trained individuals whose concern is to promote and advocate for the rights of Indian self-determination in education. The Council is charged with the responsibility of advising the Congress, the Secretary of Health, Education, and Welfare, the Assistant Secretary of Education, and the Commissioner of Education concerning those federal programs which American Indians and Alaska Natives may benefit.

The Council, through its annual reports, position papers, Congressional testimony, and field hearings has advocated and recommended that bilingual and bicultural programs for American Indian and Alaska Native students be developed and implemented in the U.S. public school systems, in the Bureau of Indian Affairs, and other schools in which Indian children attend.

Federal support of bilingual and bicultural programs in Indian education has been limited to transitional bilingual programs (Native language to English) which do not entirely meet the special bilingual and bicultural needs of Indian communities. American Indians and Alaska Natives for the most part want to teach their language to their children to ensure that the language and culture will not be lost. In effect, they would prefer a maintenance program of their tribal language to be included in the provisions for bilingual education.

American Indian and Alaska Native communities want to participate in the Title VII programs, but are cautious in doing so because of the transitional language orientation of the law. Some Indian/Alaska Native people view participation in the Title VII programs as an attempt by the federal government to eliminate their language and culture by utilizing the transitional language approach which would eventually convert them into "Red White Men." Whether or not this is the intent of the Title VII programs, this is an interpretation by some American Indians and Alaska Natives. The National Advisory Council on Indian Education is duty bound to request on behalf of American Indians and Alaska Natives throughout the United States that the Title VII, Bilingual Education Act (programs) be amended to allow wider participation by these groups. What is asked is a change in the bilingual education law that would allow for the maintenance of American Indian and Alaska Native languages and an option for the restoration of those tribal languages that are still "alive." Prior to the arrival of European explorers and colonists to this country, more than 500 different native languages were in use and some tribes are able to understand many tribal languages. Today, little more than 200 of these languages still exist, many being kept alive by the elders of the tribes. Resources are needed to teach these tribal languages to the children so it will be preserved for future generations.

Regardless of diminishing utilization of a tribal language, American Indian and Alaska Native people find it extremely important to retain their language. The importance of retaining the language is paramount because the language of a people is extricably related to all aspects of their cultures. To learn and speak the tribal language means ultimately to lose the culture. This is one of the primary goals of tribal people: to retain their cultural heritage and to determine their own destinies. Is this too much to ask? I think not.

The federal government throughout its relationship with the American Indian has forged a policy of assimilation. The definition of assimilation, according to Funk and Wagnell, means: "the acceptance by one social group a community of cultural traits normally associated with another." Obviously, this has meant that Indian people have been pressured to accept an adapted European or "American" cultural traits. From the first contact with the Indian, the school and the classroom have been the primary tool of assimilation. Education was the means, whereby, the federal government emancipated the Indian child from his home, his parents, his extended family, and his cultural heritage.[1] This was an attempt to wash the "savage habits" and "tribal ethic" part of a child's mind and substitute a white middle class value system in its place. Colonel Pratt, founder of Carlisle Indian School (the prototype for the Bureau of Indian Affairs Boarding Schools), best stated the governments' attitude: "We want to immerse the American Indian in our society, when we get him under hold him there until they are thoroughly soaked."[2]

Because of these experiences, there is little wonder why some Indian people are wary of the intent of bilingual education. However, in FY'76 a total of $3,938,237.00 (approximately 5%) of the total Title VII appropriations were awarded to American Indian and Alaska Native bilingual programs in both basic support and for-training. On the postsecondary level, (fellowships) in FY'76, 12 fellowships went to American Indians out of a total of 708, 1.7% of the total fellowships in bilingual awarded. These numbers indicate that there are American Indians and Alaska Natives who choose to participate in the Title VII programs. Should there be an amendment to the law, which would include an option for maintenance or restoration of living languages, more American Indians and Alaska Natives would participate in the fellowship programs. Today, with 70% of all Indian

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1. Senate Report, 1969, of the Committee on Labor and Public Welfare - U.S. Senate, made by its Special Subcommittee on Indian Education - (Rept. No. 91-501)
2. Pratt, Richard H. Battlefield and Classroom, p. 181. Yale University Press, New Haven, London, 1964.

school age children attending public school, there is a dire need to have American Indian and Alaska Native people qualified to teach these children in the public school system.

Federal support of American Indian and Alaska Native cultural education is a very problematic area for legislators, as well as Indian and non-Indians. Federal legislators are perplexed in attempting to deal equitable with this problem. Can they justify spending federal monies to teach cultural heritages of American Indians and Alaska Natives? Why not also teach Irish, Polish, or German cultures? Some non-Indians contend that federal monies should not be spent teaching Indian cultures because it discriminates against their children who may not want to learn about Indian cultures. American Indians and Alaska Natives claim that their cultures should be a part of the educational process of all children. Problems arise for tribal people when several tribal cultures are present in a school district/system. Which culture do you teach?

The American public school systems have taught "culture" throughout the development of education in the United States. American cultural values of competition, hard work, personal accumulation, pursuit of happiness are all values of the American culture that is taught in the schools. For a long period of time religion was an integral part of the education of American children, including American Indians.

The American Indians and Alaska Natives have had to endure the teaching of these values some of which were not consistent with their own tribal beliefs. They have had to adapt, adopt, and over a period of time even accept these values as their own. All this education was financed via state and federal funds. Is it not reasonable then to consider teaching of American Indian and Alaska Native cultural values and traits in addition to those cultural traits of American society? There is much to be learned from the American Indians' philosophy of life.

The interrelationships of the elements; Earth, Sun, and Moon; the two-leggeds, the four-leggeds, the finned ones, the winged ones, are important to know. The attitude of sharing, of co-existence, respect for the Earth, respect for one another, and the individual are a few cultural traits that the American Indian and Alaska Native value. Today the environmentalist are proffering these things that our people have known for centuries.

Is it not reasonable then to consider amending the Bilingual Education Act to do this. Is it not reasonable to expect that American Indians and Alaska Natives can become better citizens via improved self-concepts by having the opportunity to study their cultures in their own schools? Is it not reasonable that any person can become a better citizen by learning these things? The answer can only be positive.

I hope that this hearing will provide the basis for improved services to American Indians and Alaska Natives through the funding of bilingual and bicultural programs via the Bilingual Education Act.

I respectfully thank the Committee on Education and Labor, the Subcommittee on Elementary, Secondary, and Vocational Education, and the Advisory Study Group on Indian Education for allowing us time for this presentation. I will entertain questions if there are any. Thank you.

National Advisory Council on Indian Education

Joe Abeyta
Pueblo
Albuquerque, New Mexico
Term expires 9/29/77

Will D. Antell
Chippewa
St. Paul, Minnesota
Term expires 9/29/77

Linda S. Belarde
Tlingit
Zuni, New Mexico
Term expires 9/29/77

Donna F. Rhodes
Creek
Tulsa, Oklahoma
Term expires 9/29/77

James G. Sappier
Penobscot
Perry, Maine
Term expires 9/29/77

Ellen A. Allen
Kickapoo
Powhattan, Kansas
Term expires 9/29/78

Theodore D. George
Clallam
Seattle, Washington
Term expires 9/29/78

Calvin J. Isaac
Choctaw
Philadelphia, Mississippi
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Albuquerque, New Mexico
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Hoopa
Davis, California
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Wesley Bonito
Apache
White River, Arizona
Term expires 9/29/79

Patricia A. McGee
Yavapai
Prescott, Arizona
Term expires 9/29/79

Earl H. Oxendine
Lumbee
Raeford, North Carolina
Term expires 9/29/79

Thomas A. Thompson
Blackfeet
Browning, Montana
Term expires 9/29/79

Minerva C. White
Mohawk
Canton, New York
Term expires 9/29/79

STATEMENT OF JEANNE THOMAS, DIRECTOR, JOM CONSORTIUM OF PARENTS, YAKIMA RESERVATION

Ms. THOMAS. My name is Jeanne Thomas. My statement refers more specifically to the needs and complications of implementing bilingual education programs in various parts of the country.

Perhaps bilingual education is not the correct term to be using in referring to the needs of Indian language programs throughout the United States. It is my understanding that bilingual means, as Dr. Demmert said, teaching non-English speaking people to learn English, which is also partially a need within Indian country. However, restoration and retention is also a major issue, and the reason that I wanted to speak to the fact that it is so complicated is because there are five major Indian language families within the United States, and out of those five major Indian languages, there are numerous dialects that are particularly important to tribes.

Each dialect within itself has a critical importance to the people that are the speakers of those dialects. Each dialect represents a particular culture of the people who are the speakers. It is theorized that if these dialects are lost, then so goes the culture and the eventual identity of an American Indian.

This is a very personal thing for us, being the aboriginal citizens of this country, and it is our impression that we are important to the other people, not only of North American, but of the world, and we want to retain that identity.

We are very aware of the various things that have happened in past history, which was specifically to take our culture away from us, at one point in time or other. However, we have the impression that this is not the theme of the country today.

So we are taking that into realization. It is our hope that our plea for assistance in saving the language would, and can be implemented so that we do not become an invisible part of history.

The way society demands that we take part in communities now, is that we do fulfill the requirements of going to work, going to school. Although we realize that we cannot wholly recapture what is our culture, we believe that we can cling to the religion, as was mentioned, and to our language so that we have a fuller understanding of how to practice our religion as well as to retain our characteristics and personalities as Indian people.

The theme seems to be, and the search for a way to accomplish this is via education. This was taken away through education, so we think that it can be recaptured through the same process.

During the 1850's, when it was unlawful to speak your language in the school setting, the parallel is existent now. People find it very difficult to understand why can't all students study German, Spanish, Russian, and some of the other European languages, but not study Indian, especially when there is a sizable volume of students within that school.

While we are also aware that it is not an easy class for a non-Indian community to organize. There are no colleges in the United States where you can really go and get a degree to be an Indian language teacher. The linguists that are made available to assist us in developing our language programs have offered us some valuable expertise, but on the other hand most of them do not have the fluency and the command of the Indian language to be able to articulately analyze how to develop a documentation format.

So the need is to train the Indian language speaker to be a linguist, because then they will have the full command of two fluent languages in order to start the process of documentation.

Then the other thing that we have had to do for immediate purposes was to begin negotiating with the school districts to place fluent speakers as instructors into the settings that the students have access to the course work that is needed.

As I said earlier, this is applicable to different and varying needs throughout the United States. Some of the Indians want to learn English and become proficient, and some of them are at a medium stage, and would like to do both, transfer to English, and then transfer English back to Indian. Then there are some who are in very destitute situations where they have as few as one speaker left in their community, and who is generally of an elderly age.

Some of the ways that we have found assistance have been through title VII, National Endowment of the Arts and Humanities, and the Bureau of Indian Affairs, title IV, however, we do not have the central source that we can go to for the technical assistance that is needed to accommodate the varying stages of language programs. So some process still needs to be developed.

We have practically no opportunity to make comparisons between dialects of the five language families I mentioned earlier. This could be a crucial part of developing our programs in a scholarly way. Right now it seems as though there are many programs that are fragmented, and are doing their utmost and their very best to develop particular programs for their community on a local basis. We really do not have what you would call a comprehensive and adequately staffed source to go to for that appropriate technical assistance.

We do not want to be studied only by anthropologists as a dead people, and we feel that scientifically we have something that is still intact, like blood. So we really need these sources.

We would like to see avenues expanded so that we have better opportunities to negotiate contracts with the institutes of higher education, so that the research will be more sufficiently and proficiently conducted to develop these programs.

I wholly support, and did not talk with Dr. Demmert or Dr. Warren with regard to expansion of research and cultural study section, however, I have a very similar recommendation within my testimony report. I would feel that this would be an ideal place to start from.

Repeatedly there has been small Indian representation at some of the title VII bilingual education hearings and conferences. A couple of years ago, out of 3,000 delegates, 30 of them were Indians, and they had a caucus and data presentation on behalf of themselves. The eventual result was to get a second Indian person appointed to their advisory council.

This is Mrs. Rosalie Bassett. She is new to the committee. She has talked constantly with various English language programs throughout the United States, and the kinds of recommendations that she is making. I will give you two examples. One is, she requested that they conduct a hearing adjacent to the National Education Conference, where Indians have accessibility to express their concerns, viewpoints, and needs. This has not been responded to, to date.

It was recommended that title VII conduct a needs assessment in regards to where that population that was referred to earlier was, and that also was not responded to. It was, according to her report, a part of the draft recommendations for this year's budget. She was not asked to express her concerns on that particular budgetary item.

We would like to have that take place, so that we can begin to define this population, which has been mentioned, and which comes in three categories. At least, if that were studied, title VII would have more realistic information as to are the Indians that they might have, or Indian participants, or Indians that are not going to be included.

We realize that we have a responsibility for doing our own proposal and competing, but we need the information in order to prepare ourselves to perform, and to become a part of it.

I would like to thank you for allowing me to make a presentation. The Yakima Indian Nation began their language project 13 years ago, and it took that long to develop a dictionary that has a 3,000 word vocabulary. It is articulately analyzed into phonic alphabet of 39 symbols.

The reason that I am mentioning that to you is to tell you that it is not easy work to get into. Indian languages are not written, and there are many of them. It is not like I am a natural to be a social worker, it is not the same kind of work. It has vast demands in order to do it.

I would like to thank you for allowing me to speak with you.

Mr. BLOUIN. Mr. Quie has one question that he would like to ask you out of sequence.

Mr. QUIE. Ms. Thomas, I would like to ask you one question, before the other ones start. I find myself not agreeing with your basic assumption, and that will cause me trouble. So let me throw it out.

I don't see why you need the languages, necessarily, to keep the culture. Looking at other cultures that are retained, it seems to me that the two groups in this Nation that have retained their culture more than anyone else are the Jewish people and the Scandinavian people. Now, I recognize that the language is kept, but they do it themselves. They do not go to the Government for that help.

I realize that you have a different relationship to the Federal Government than the Jewish people have, or than the Scandinavian people, because you were here first. They are both Johnny-come-lately's. You have treaty agreements with the Federal Government. They do not.

If the white man had never come, you would have controlled this whole Nation. I would assume that the same thing would have happened—you, meaning all of the Indians—as has happened to any other people who stayed intact.

The Norwegians, with which I am familiar, we used to have a dialect for every valley, which they no longer have. If they wanted to study that, they would have to come to the United States and find some of the people who kept the dialect intact.

I would expect that you would not have 500 dialects, or 250 dialects, and probably you would not have all 5 major languages, which may not be fully intact. You may have had one language which all Indians in this country would have spoken.

My question really is, Why should we spend any money for you to retain all of the dialects in the language, as opposed to you doing it yourselves? That is the question that I need to have you answer.

Ms. THOMAS. You could presume that we would be the same as the Norwegians, but you could also presume that we might be the same as the Indians of South America who retained their culture as is, and some of the other Indians throughout the world. So you could presume that.

But also in a parallel, comparing the Scandinavian and the Jewish people of this country, did they go through the Bureau of Indian Affairs in 1850, where the Christians met and were good friends with the legislators. Then they distributed the Indians to the Baptists, the Catholics, the Methodists, the Presbyterians.

The Presbyterians and the Catholics are all over our country. The Baptists who are down in Oklahoma, the Indians were all distributed to those people. There is specifically in your own records, and your big, long sheets of paper, I have read it myself and saw all the things that they did via Christianity and via education to assure that Indians did not have an opportunity to save their languages.

We had to sneak out in the woods to have a religious ceremony, and put a carnival in front of us, so that we could save ourselves to the point of where we are today. Our blood is a part of this Earth. You will never understand that feeling because you are not from here, and if you were, perhaps you would know what it is like.

We are not migratory. We are not going any place. We are going to stay here where we belong. Where God put us. Where the Great Spirit put us. Where we are natural.

About 10 years ago, I was working in preschools, and the people were inviting me to go over and explain to the children what is an Indian. I would do parallel things for them. In infancy, it is like a cradle. I would show them all the things that they have that are very similar, which are more recent, and more or less depictive, and taken from Indian philosophies and ways.

If you will look back at children's books, you will find that the ecology word, words that our children are starting to learn, are very parallel to what is an Indian legend. The country now is starting to talk about it to the children, and they begin to realize that water does not come out of a steel faucet. The drought is taking place, and it is affecting people, and they are beginning to think.

This is very similar to the things that the Indians have been telling you all along. You have to take care of yourself. Don't be abusive to the land and the people, and the survival systems.

If we can maintain this knowledge, this philosophy, this willingness to share via language. The Indian language cannot specifically be translated into English, and there are some things that we can contribute to this country, other than to be in the museum or the archives. We are not an artifact. We are a very real part of what is here now.

I don't know whether that satisfies your question. I know that we are not the same as the Norwegians, and I hope that the Norwegians will finally begin to realize how vital they are to one another, as far as being identified.

Mr. **Quie.** That helps.

Taking a moment more for the last part of my question—why should we now contribute money in order that you can do something that is within yourselves?

You have, in a way, pointed the finger, which I totally agree with. You cannot take those non-Indian speaking linguists and certainly make them experts yourselves.

Ms. **Thomas.** Maybe I can answer your question. Why did you spend the money, when this was done in the 1850 era in the first place? Why is there an ethnic heritage program? Why are anthropologists allowed to have money from the National Institute of Education, the National Science Foundation; and why a lot of things that have to do with a particular similar kind of subject?

Mr. **Quie.** If I were living in the 1850's, and knew then what I know now, I would not spend that money.

Ms. **Thomas.** That is a bigger question.

Mr. **Quie.** So right now it is the interest of anthropologists in understanding other people, so that we can gain for ourselves, that is the dead, the past history. Now it seems to me that the reason why we do anything different for Indians than we do for anybody else is that we have a special responsibility and an obligation because of what was done to you; second, because we do have some legal requirements under treaty agreements.

It offends many people who are non-Indian for the Indians to say, "We have your rights, and we have some special rights for ourselves." I think that this is true. You have all our rights, and you have some special rights for yourselves that are unique.

What I am fearful of is that if you get too much from us, providing the manpower to do the job for your language, we are going to make the same mistakes that we made, because we are not you. Under this arrangement, how do we accomplish this in a way that is proper and right?

Ms. **Thomas.** As I mentioned, we could do it via the academic process, for us to be able to compete for the National Science Foundation money, et cetera. We are willing to participate, and from a scholarly perspecitve, this is an issue in a field of study that is new. It has not really been explored. There are very few experts that can become a part of this field.

The Indians, aside from the obligations that are made of them, are somewhat self-supporting. The government derives their funds to meet their obligations—the treaties are not really any of our business—I think that you will find that the majority of the Indians are also taxpayers, so maybe we are asking for a rechanneling of the input that we provide for a special obligation to meet our particular needs, and not to recycle the money back to meet your obligations to us for the treaty rights situation, because we do pay.

Mr. **Quie.** You have now completely answered my question, and I appreciate it.

Mr. **Blouin.** We are not going to have any further questions until everybody has testified. Our next witness is Mr. William Leap.

STATEMENT OF WILLIAM LEAP, DIRECTOR, INDIAN EDUCATION PROGRAM, CENTER FOR APPLIED LINGUISTICS

Mr. LEAP. I am speaking to you this morning as the director of the Indian education program of the center for applied linguistics. The center is a nonprofit, private research and development agency concerned with the role of language and linguistics in all areas of public policy and educational training. Working within that mandate, CAL's Indian education program assists in the planning, implementation, and evaluation of language and cultural maintenance projects based within the reservation and tribal communities or within urban Indian contexts.

I have discussed in my testimony, which I have provided you, a series of issues, possibly at too great length to be practical for this kind of context. Instead of doing that, I would like to summarize what I have stated by making four general points.

The first general point is that it is important that anyone looking at the question of Federal support of Indian language questions, admit to the extreme diversity which exists within the so-called American Indian population. As Ms. Thomas has just pointed out, there are 5 major language families by the linguist count, and there are 206 totally different Indian languages being spoken right now in the United States, and within that number you have a broad range of persons in a community that may speak those language, and you may have a variety of uses of the language from one community or tribal context to the next.

This is the reason why the only effective Indian language which can be done must be tribe and community specific. There are no two parallel situations. Every situation seems to be viewable in a unique way.

The second major point I would like to make is this. We have heard several people say this morning that transitional bilingual education is not appropriate to Indian communities and schools. Instead of transitional, we should have maintenance. Please recognize that language maintenance is more the native language and the second language. It is not just an option. It is totally a different kind of approach to education. Let me briefly comment why.

In a language maintenance program, you are not teaching conversational Yakima 10 minutes a day. You are teaching everything in Yakima, or whatever the language may be, and in English. The language is integral and the culture is integral to the whole curriculum.

This means that the only people who can perform adequately in these instructional classes will be community personnel. The ultimate result of maintenance is community control, by having community personnel within the school context.

If you want to teach transitional bilingual education, you can train non-Indian people to function reasonably effectively with the SL techniques. If you are talking maintenance and you mean maintenance, the ultimate goal will have to be and will be, and if you listen to the community folks it already is, setting up a school that is staffed by local persons, qualified persons, trained persons, with local personnel who will be in charge of the children's education.

A third point which I would like to emphasize, and which is discussed in the testimony, is this. It is true that there are Federal funds available for Indian language purposes. But what needs to be noted is that in many instances there are barriers that prevent Indian people from obtaining access to these funds. I am aware of this personally because in most of the 32 communities and tribes where by office is working, ultimately we end up raising the question of who is going to support what we are proposing. The limitations on title VII are noted.

Title IV, part B, provides funding for Indian language maintenance, and it also provides money for a wide variety of additional Indian education tasks, and language programs, which compete with drug programs and what have you for the same limited amount of money.

What very often happens is, deserving language programs do not get funded. I have a program under title IV which I have just found out is not going to be refunded.

At this point in time, they must raise the question of how do they find their staff. The school year has already begun. Remember also that most Federal agencies require extensive preplanning before the proposal is submitted. Whereas in the Indian community the language project is a totally new effort, the first year will lay the foundation. Most Federal agencies want to see that assessment, want to see that outline of capability before they will give the proposal a fair hearing.

That is the third area that my testimony deals with. The fourth one tries to explain why, if you are beginning to see a wide variety of alternative interests in Indian language, and strategy emerging. The most basic of these is the interest in teacher training, staff development, and summer workshops to train community persons to be linguists and the like.

As I noted a moment ago, the realities of the present situation, this may be the best way to guarantee a truly bilingual language education program that can be effective. You can take the money away from the program, but you can never take the training away from the people.

Thank you very much.

Mr. BLOUIN. Thank you, Dr. Leap.

We will now hear from Mr. Stuart Tonemah.

STATEMENT OF STUART A. TONEMAH, EXECUTIVE DIRECTOR, NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION, ACCOMPANIED BY JIM SAPPIER, COUNCIL MEMBER

Mr. TONEMAH. I would like to thank you, Mr. Chairman, and members of the subcommittee, for allowing us the chance to speak on bilingual-bicultural education on behalf of the National Advisory Council on Indian Education.

I would like to introduce the gentleman on my left, Mr. Jim Sappier, who is a member of our council from Maine. Incidentally, he works for the Passamaquoddies.

I would like to summarize some of the things that have already been spoken about here, and which are in our testimony.

The National Advisory Council has advocated and recommended and strongly supported the Title VII Bilingual Education Act, and wishes it well in its continued operation and future funding for that act.

There are some concerns that have arisen in our public hearings and our meetings, and testimony by people who have been present at our meetings concerning bilingual education. The basic concern has already been discussed here: Maintenance versus transitional language programs.

The council feels that an amendment is needed to the act to make the Bilingual Education Act more appropriate for the needs of American Indians, and Alaskan Native people. As discussed here, the Indian people feel very strongly about trying to retain their language. It is vitally important to us, mainly because the language is inextricably tied to the culture and vice versa. All aspects of where we are are related to the language, and to lose the language, or the possibility of losing the language is paramount to losing the culture, and this is something that Indian people will not stand for in any way, shape, or form.

It has been the policy of the Federal Government in connection with Indian people to erase who they are, to make us red white men. To sit in the blue suit, patent leather shoes and bow tie, and speak as we speak here. This may be the job that has been done on me. I don't know.

My folks attended Bureau of Indian Affairs schools, and they were prohibited from speaking their language in these schools forcibly. They were punished repeatedly for doing this, and this was in the 1930's.

I worked at Chilloco Indian School myself, and I experienced this in 1965, the Navajo kids there were constrained and punished for speaking their language. This was my first professional job after I finished college. It was a joy to me to go to work at this Indian school, and here a room full of kids, and I was speaking to the children in their own language. It was a joy to me to see those younsters doing that.

In that time period, I have found that this kind of activity has increased just in the last 12 years.

There are all kinds of things that are diminishing among tribal people because of loss of the language. So the plea that they be allowed to retain the language cannot be made too strongly. It is very difficult to interpret what some of the meanings are in the English language, and to try to write it down is very difficult.

There is a story that I am reminded of. Floyd Westerman, who is a western singer, tells this story to his audiences. It has to do with interpretation. You have first grade readers, Dick and Jane. See Dick Go. See Jane go. See Spot. See Spot run. This has kind of a different connotation with the Sioux people, because the Sioux people have been known as dog eaters. So their interpretation might be. See Dick run. See Spot run. See Spot in the pot. There is a little bit of interpretation there.

A lot of things have already been said that I cannot add to in this morning's testimony because they are more expert than I, but I do want to say that the National Advisory Council has very strong feelings on bilingual-bicultural education.

I will allow Jim some time to speak on specific issues. We talk about languages being lost. We had about 600 languages at the time the Europeans landed, and there are now only about 200. There is one area in the United States where the language is still being talked and taught, and this says something for the endurance of tribal people.

After 500 years of discouragement, they have still retained their language. We are still retaining these languages.

Mr. SAPPIER. I am the only member of the council who is Passamaquoddy, and the only member who was selected who is not in education.

First, being a noneducator, I have problems with various program elements. It is not only bilingual-bicultural programs that we are having problems in, but there are problems across the board.

There were a couple of points made this morning that I would like to say a couple of things about. One is to get Indians on the National Advisory Council and this will help to get some changes in that program, and also Indian staff members. I think that you mentioned that earlier in your discussion. There ought to be Indian staff members at the national level.

There have to be Indian members on State advisory councils. We have to meet those needs that have been brought out here.

A few years ago, nobody knew anything about the Passamaquoddy, and now everybody seems to know something about them, so we started something. We have an interpreter used during national elections at the reservations. The bill is printed, but it is not printed in Passamaquoddy. The interpreter will read the bill off for the Indian, and then check off.

Mr. BLOUIN. What are they printed in?

Mr. SAPPIER. They are printed in English.

Mr. BLOUIN. The law requires that they be printed in your language.

Mr. SAPPIER. The Passamaquoddy language has not gone that far.

Mr. BLOUIN. The law requires that the bill be printed in the particular language of the area, if there is a language problem in any particular area.

Mr. SAPPIER. There is no written language yet.

Mr. BLOUIN. Then that makes it a little hard.

Mr. SAPPIER. Another issue that has been raised was the formula that has been brought out, E equals I. If you want to take a formula that reads: English equals Indian, whether there could be a funding base of a certain amount of dollars, and that same level of dollars could also be made available for the funding of the Indian language. I think that that formula might be worthwhile to look at. E equals I. I like it. The tribes that I have spoken to like it very much as well.

The comparison of the programs, if you take the bilingual-bicultural program—incidentally, if you have a bilingual program, you automatically walk right into a bicultural program. There is no way that you can get away from that.

In the Passamaquoddy program, the students in Passamaquoddy, they have just completed a study, and they are summarizing the results for us. They will be made available in a couple of months. In that study, the students that were in the bilingual program have already surpassed students in public schools locally and statewide. I think that it is going to do well in the national achievements.

You have to take a look at that, and weigh that. Then start trying to do something, such as funding an Indian bilingual-bicultural program for the total development of the community.

If you can get students through high school, and you can get your council members to sit down and discuss the issue in English, and you are doing it in Indian. We find that we get a lot more work done by having the council to speak Passamaquoddy, but when we resort to English, we have a big mess.

As far as community development goes, the total bilingual-bicultural program is really a must. I think that you have to look at it from this perspective. I think that Jeanne did a great job this morning.

Mr. BLOUIN. I have two questions which I would like all of you to answer, if you can.

In your opinion, the funds that are available today, do the Indians and Alaskan Natives receive a just portion of those funds in your opinion?

Mr. TONEMAH. When you figure that there is almost $70 million appropriated for the bilingual program, and less than $4 million going to American and Alaskan Natives, people can make a comparison and say, yes; this is equitable, but I don't agree.

I feel that with the way the act is written right now, you could have wider participation in the Bilingual Education Act if there were provisions for maintenance and possible restoration of languages.

On the fellowships in 1976—I was incorrect in my listing of the fellowships in here, I have 12, but I understand that there were 27 out of a total 708 that were American Indians, and the rest were non-Indians.

So in response to your question, I don't think that the funds are adequate at this point.

Mr. SAPPIER. Certainly not. There are many areas, and one of them would be the 2-year development. You cannot go to any college or university and study Passamaquoddy. I can do better by watching what is going on in the reservation.

Yes; we do need a substantial amount of funding to get this project going for the total community, and not so much for identifiers. It is going to be for the total community.

Ms. THOMAS. My answer is going to be very similar to his. I know that the regional office of education has had very little outreach to the Indian communities across the board. It seems as if the major problem that we face is that people say, Indians, and then you belong to JOM, and you are put under title IV, and that is as far as they go.

So it is not only applicable to title VII but also across the board in every region.

Mr. LEAP. I agree with what they have said.

Mr. TONEMAH. I have a press release that should be for Sunday, September 18, and this is from the Office of Education, HEW. It says: I am pointing the need that we have for research in development of languages, for curriculum development, all aspects of education.

I see here an irony; $900,000 that the Office of Education of HEW is spending for 35 research projects to improve the teaching of foreign language and related to languages not commonly taught in schools and colleges. The project will be conducted by institutions of higher education, organizations, and individuals in 16 States and the District of Columbia. They will assess the need for instruction in language and area studies, and conduct research and curriculum research, and improvement of teaching methods, and the actual preparation of instructional materials.

I might cite a couple of the areas that they are researching. It is not to downgrade them, but it is to point out that we do need some help in research in these areas, too. The University of California at San Diego got a grant to do an Albanian language project. The University of California at Santa Barbara got a grant of almost $40,000 to develop a referenced grammar of Mandarin Chinese. The list goes on and on. The University of Michigan got a grant of almost $31,000 to accomplish a comprehensive study of the Egyptian and Arabic language. If the Federal Government can fund research projects like that, to the tune of almost $1 million, why can't we get some money to do these things for our own people.

Mr. BLOUIN. I think that the problem is much deeper than that. American history starts with Columbus in Europe. You don't have to go much further than that.

Mr. TONEMAH. American history for the Indians started 11,000 years before that.

Mr. LEAP. The reason I paused when you asked your question, I wanted to hear what the other people at the table had to say. What I hear being said is that possibly just more funds is not the answer, and I think that this has already been said.

I noted some significant changes in the service philosophy at the Federal level, just adding more dollars into title VII, or title IV, part B. I am not saying, don't do it, but it is not going to be enough.

Mr. BLOUIN. I would agree with that, and that puts me perfectly into my second question.

Congressman Quie and I, today, have introduced the first in a series of bills that we think respond to many of the ills that we have been finding across the country these last several months. Collectively, the bills will establish a funding mechanism on both basic and supportive segments, of the education programs. For example, in public schools, it would give mandatory sign-off authority to the local Indians.

Various parts of the bill will probably change several times before we finally get it to the floor for a debate. But the thrust is to obtain local Indian control, as best defined as possible over those Federal dollars intended for Indian education, and part of that would be bilingual education.

One of the things that I have learned over the past several months is that there is a great difference of opinion among Indians and Indian tribes as to the handling of bilingual/bicultural education.

Some tribes do not want any part of it in their school systems. It is culture and that equals religion, and they don't want anybody teaching that in the classroom. They want it handled in the tribe.

Others are very strongly committed to having it in that classroom as a vibrant, necessary aspect of education. I think the only way, in my opinion, to master this kind of conflict is to go with the local control aspect.

What is your general response to that kind of an approach? I think that it is on the right track. I am not asking for your endorsement of the bill. We will seek that later. Right now, this is the general thrust of the idea.

Ms. THOMAS. I will respond. I think that is entirely correct, the need for local control, because each tribe has its own source that it can draw from, some have facilities and some don't. Some have to go to the school, and like you said, do not want to.

So each tribe or community should design their own program. The particular thing that is going to be of significance, beside controlling where the instruction will take place, is securing control over the resulting materials. That is also another major issue.

They want to assure that the research that is conducted are totally under their control to do with as they please, and have the option to select what shall and what shall not be released for public usage. It should be enforced even further than that.

Mr. BLOUIN. The basic thought involved in sign off authority is to give the local tribes the option of saying, no; we don't like the program as you have tailored it. You have a choice. You can tailor it our way, do it the way that we want it, or we can take all of our money and go to any other available option: Your own school, BIA, or whatever.

The idea is to give total local option and control over the flow of those dollars. To that extent and directly, you would have that kind of control, because if the program that the school lays out in front of you is based on materials that were developed improperly, you can always reject it.

Ms. THOMAS. There needs to be an alternative recourse for that mandatory signoff option, because what happens between the Indian and non-Indian community, and this is frequent and it is magnified also, yes; you have the signoff control and you have the opportunity to say no; but there is not an alternative recourse to be sure that the program will be conducted, according to the designs of the people who have the control.

So that is a very, very serious problem. If there is prejudice in the community, and if they cannot communicate, there needs to be a recourse. That is very, very vital. That is why you do not have full-scale participation in many of the programs. It is not because they do not want to participate, it is that they have no place else to go.

Besides, the parents having the mandate to sign off, then they sign off, but the last signoff is generally the school board.

Mr. BLOUIN. This is one of the major differences in the proposal that we have drafted. We would like you to get a copy of it, because it calls for annual signoff authority.

Ms. THOMAS. That is not good enough, you have to have the alternative recourse.

Mr. BLOUIN. The recourse is that a year in advance, you can take the entire amount of money, ignore the facilities that exist today, act as if they have disappeared, take the entire pot of money, and go to any alternative you choose.

Ms. THOMAS. Far out.

Mr. BLOUIN. The bill that went in today strictly refers to basic support. The bill that will go in soon will take in special and supplemental support, and will be tailored generally to that basic support concept.

We would like you to read through it, and see what you think of it. We have copies of it here, or we will have some by tomorrow.

Mr. Leap. One of the ways that existing funding can be channeled into Indian communities for Indian educational purposes is by agency endowment, foundations, and the like. The areas, of course, very often you find that proposals which involve Indian language and culture; funding going to non-Indians will get approved with virtually no community backing or input at all.

There is a lot of concern about that. There has been a lot of concern, and the concern is that the linguist can turn around and take the material. Some linguists could claim that they own the material because they have invested their time in it. They can publish the grammar, and they can publish the information, and make no effort to leave anything behind in the community.

If you wanted to have a truly community signoff for funding, it might be worthwhile to extend the principle you have outlined to some of these other areas as well, because existing funds for research, for example, could be used to community benefit, if there is a way.

You would have to force the Federal agencies involved to get a community signoff before they give someone in the profession a $40,000 check.

Mr. Blouin. We have heard that from several sources. We are aware of that problem. We have yet to draft an answer to it at this point. Suffice it to say that we are not ignoring it. We just have not gotten to it yet.

Mr. Leap. Fortunately, some of the agencies, such as the Endowments for the Humanities and Arts have been using an informal policy like that, but they are really the exceptions.

Ms. Thomas. Is there a provision that the tribes can do something like that on their own, instead of going to an agency?

Mr. Blouin. The problem with that is that the tribes have options, but they are not reversible options. Once you have made the commitment to go in one direction, you are pretty well stuck. If you leave the BIA school, there is no way that you can get back into it.

Our structure allows reversible options in every direction. We are trying to draft it so that you don't get into the situation where somebody reverses their option every year, because that way you could end up destroying the entire pot.

The bells are ringing for a series of votes. I probably will not return, so I will turn over this hearing to counsel, with instructions to terminate it after further questioning. I personally thank all the witnesses and want you to know that your testimony has been of inestimable value to us.

Mr. Lovesee. If you withdraw from the public school, and you have a contract with an alternative type proposition, there is a reversible provision that the tribe can then go back to the public school, if it can enter into a contract with the public school.

A lot of the fear is that when you get out of the public school, they will not let you back in, because they want to get out of the business. So we have tried to get around that as much as possible.

Ms. Wysong. I have a question.

We just finished a staff visit in Alaska a couple of weeks ago. In one of the villages, there was strong support for using grandparents in the community, tribal people to teach languages to the younger people in that village.

How strong is the support there among the Indian communities in the lower 48 for using the older Indian person or a grandparent to teach bilingual education?

Ms. **Thomas**. I think that there is exceptionally strong support. If you read the language programs proposed, generally most of them say that they will cross-reference or receive approval through either their council or their elders. I think that the mention of elders is in almost every proposal language program that there is, because it is felt that they are the ones that have the knowledge, the depth of knowledge that is needed. The next generation is still developing, even though they could be fluent. So the elders are looked upon as being number one, and I think that this would be fairly consistent throughout the lower 48.

In some cases they are used as teachers, and in other cases they are used as resource people, in varying stages, according to their wish as to how they would like to participate.

Ms. **Wysong**. The reason that I brought up the example, is that it is kind of parallel to what Mr. Quie was bringing up in using the resources that you already have. It would seem that they would be much better than any other.

Ms. **Thomas**. The demands of society, as I was pointing out, ideally, we would all like to sit down and learn our language, and communicate with our elders and spend the day with our grand folks, and so on, but with the school requirements as far as attendance is concerned, and the work requirements in order to maintain our household, and the amount of time that we have left to take care of our children, our chores, et cetera, there is no interaction time left to devote to these things. Unfortunately, that is part of the reality of the situation.

Ms. **Wysong**. You mentioned the fact that you were able to preserve your language despite the various obstacles that were there.

Could you describe briefly how the maintenance effort operates, the educational process involved, and the teacher/community involvement? I am interested to see if you have been able to do that?

Mr. **Sappier**. It has not been incorporated in the schools until recently. There has been the same quibbling about eliminating, the Catholics, the Church, or whatever the religion, and that kind of thing. That kind of discussion has been going on for years as well.

We wake up in the morning and we talk Passamaquoddy. In the entire community, we speak Passamaquoddy. It is environmental. It is a community environmental thing, it just happens. It's just like speaking English.

The maintenance of the language, if they cannot find a description, the elders are brought immediately for a word.

Mr. **Forkenbrock**. It is passed on from generation to generation?

Mr. **Sappier**. For instance, it starts in the school now. They will have the "rest room" in English, and below that there are certain readers, where there will be word stories written in English, and they will also be in Passamaquoddy. I have seen this at the later stage of development, and I don't know how it started earlier on. But it is incorporated throughout the elementary schools.

Incidentally, there is a step further on that. The program, when funding was first started in 1970 or 1971, they funded a Passamaquoddy program, and at the time we had been working with tribes in research on bicultural education. I worked on the application that was funded.

There are dialect differences in Passamaquoddy, Penobscot, and MicMac. Klooscap is Passamaquoddy. Glouscapbe is Penobscot. Penobscot and Passamaquoddy are very closely related, but you can see that those are dialects. The word means changing. In translation, you can lose things. But you can see how the dialect works. Klooscap means a lawyer, and if you change it a little bit, you would call him a liar.

It is normal just to talk Passamaquoddy. For us, English would be the second language. It is the language that they pick up when they get to schools.

Mr. **McFarland.** How much English is spoken, when they take a young child who is learning his native language.

Mr. **Sappier.** The important thing, we have two reservations of Passamaquoddy, and one Indian township. At the Indian township, they have run a program for 6 years, and at the end of 6 years, the children are bilingual, as compared to the other reservation that has not had the 6-year program. The comparison would be there from that reservation to another reservation, to a local school nearby. It will show the value of this bilingual program.

Mr. **Lovesee.** How is that program funded?

Mr. **Sappier.** Under title VII.

Ms. **Wysong.** I think that Mr. Leap had a point to add.

Mr. **Leap.** I wanted to answer the question. Any time that the community talks about using the elders for language purposes, the local district will say, "We cannot have them because they are not certified." They don't want to go off to school and get certified at 70 years old. So you have to look for alternative moneys, and it is a more difficult problem.

In some schools, the insurance program requires that certified teachers be in the classroom when the elder is teaching the language. So the woman who runs the language program has to be in the classroom while the elder is teaching the program, and she cannot take care of other administrative matters just because of the insurance rules.

I wanted to make the point that there are some subtle aspects that are always behind the surface whenever you see a solution that works so well in a community.

Mr. **Tonemah.** I would like to make a comment. I did not get a chance to comment to Mr. Quie's question a while ago.

In the history of education in the United States, whether educators would admit it or not, there is culture taught in the schools, which is adapted European culture and involving American culture. The culture of America emerging, the idea of hard work, accumulation, own land, competition, these things are our cultural values which have been taught in the schools.

When we became a part of those schools, they were taught to us. Now these things, some of the cultural values that have been taught in the schools are legitimate, and they are consistent with the Indian way of thinking, but a number of them are not consistent with the Indian way of thinking.

Some of these things, time orientation, time is money, these things are in direct conflict with Indian cultural values. These cultural values have been taught to us, so why can't we teach Indian cultural values in the schools that would also benefit the larger community.

The example that Jeanne used, the Indian being the first environmentalist. We know these things, and we have known these things for centuries. It is coming home to the non-Indian that perhaps there is something valuable there. Using that as an example, there may be something of value in other aspects of the culture of the American Indians, and the Alaskan Indians that could be most valuable to Americans.

Mr. **Lovesee**. May I ask a couple of questions. Since this is a public record, and will be used to support or defeat anything that is introduced, or is considered by the Congress, I would like to see if I could phrase something without being accused of priming the pump.

One of the things you were saying is that since Federal money for Federal and State schools, and Federal policy, were used to destroy the language in the first place, you can see no problem with using Federal money to rebuild them, or to save that which is still viable. Is that a fair statement?

Mr. **Tonemah**. Yes.

Ms. **Thomas**. True.

Mr. **Sappier**. Yes.

Mr. **Lovesee**. Since there is a special relationship between the United States and the Indian nations, based on the political distinction, point of fact, a criticism of such a program based on the fact that Indians are getting more than anybody else is not a valid statement either.

Mr. **Tonemah**. It is not valid.

Mr. **Lovesee**. Let me ask you one question because it has not been brought up. I will use the Navajo, because it is an example which has been given to me.

The reason that has been stated why we should not encourage the use of Navajo, or any Indian language in the school setting, where you are talking about basic subjects, such as history, is because they say that what you are doing is creating a situation where you foster functional illiteracy in English.

In other words, they say that the school is the only setting in which English is spoken in that community in the first place. If it is not spoken in school, and the option is given to speak another language, too often what happens is that only the other language will end up being spoken, or at least spoken well.

To extend this argument: This may be fine and well, but look at the economic consequences of what you are doing. You are producing people who are functionally illiterate in English. Frankly, it is just a fact of life that they will not be able to hold a job, because, unfortunately, the dominant society will not be able to absorb them.

How would you respond to these critics. How would you respond to someone who says that, on the basis of just plain economic facts, maintenance of language, in school, is bad?

Ms. **Thomas**. The quality of the teacher would have a significant bearing, if the child as the end result of the instruction was functionally illiterate in English. It is a well known fact that most of the areas where the Indian schools are, they are on very rural areas, low budgets, and really do not attract the highest quality teacher. They prefer to live in the sophisticated urban area, and have the doctorates and masters and those kinds of things.

Another thing, too, is that a requirement of a scholar is to speak two languages, and so why not sufficiently prepare the children at an early age. The capability is there. So I think that some of it has to do with the nature of outreach, and the qualifications of the teacher.

A point that has to be acknowledged is that, yes, there are even Indians that would prefer that their children speak English in the school, because they are in a position of taking care of their Indian fluency at home.

Maybe this is something that will come forward via the control of your own local programs, either they will not apply, and not have a program, or whatever. Maybe they will have something on the side, after school, or something.

Mr. **Tonemah.** Being fluent in English does not guarantee anybody a job. This is a myth. The argument you made, we can refute it that way.

Mr. **Lovesee.** Would you take the reverse of that and say that functional illiteracy in English pretty much guarantees that you would not get a job?

Mr. **Leap.** There are functional illiterates that are employed. I do not say that flippantly.

Mr. **Lovesee.** How do we refute it?

Mr. **Leap.** The Civil Rights Commission found in 1972 that the major obstacle that they are finding to the hiring of Indians is that they did not have adequate spoken English. But that is not something that you can necessarily trace to the absence of bilingual programs. This is affected by the delivery of educational services to Indian people.

What is interesting, in terms of the Navajo, there are some points where there has been adequate time to put the program in operation, and there is surprising and delightful growth in English, literacy and skills. This is the first evidence that we have seen. In time, we will see the efficacy of this type of effort.

Another argument that you could use, if people say that they want to have Navajo instruction, or Indian instruction in the classroom, it does not mean that they don't want English instruction. Just because you teach the ancestral language and use it, it is not a reason for cutting back on the quality of the English instruction.

I am not aware of any community where we work, or hear about, where they did not say that they did not want the kind of skills to enable the children to face the challenge of daily living. That includes English, and that includes Indian.

Mr. **Tonemah.** If I can answer your question. On the question of economics, it depends on the intent of the tribe. If the tribe has the intent to be residential tribal people, they stay on the reservation. If the alternative for them is to leave the reservation, they must have English. If the economic development is right there on the reservation, I think that they would do well to preserve the language and teach the bicultural program, and learn finance and management, and have that interpreted in their own language, because they will be dealing with their own people.

If there is very little chance for development on the reservation, I would not argue with the statement that you made. If the only chance for a job is off the reservation, maybe he ought to learn English.

Mr. McFarland. I have a question. I have heard the statement several times, and since I have no base from which to judge whether it is true, so I would like to run it by you all.

You have a case where the people lose the language which is indigenous to their culture. When they lose it, instead of picking up another for a certain period of time, they become nonlingual. As they are losing it, if they do not automatically compensate with a different language, they do not maintain a certain level of communicable skill.

Ms. Thomas. You mean the nonverbal image of the Indian people?

Mr. McFarland. You take the Navajo, in each generation they are speaking a little less Navajo, and they are becoming a little less proficent in Navajo. If it is made up with a commensurate amount of English, they can still communicate. Otherwise, they would become almost nonlingual, they cannot speak well in Navajo, and they cannot speak well in English. We have fostered, one way or another, people who are verbally handicapped.

Mr. Leap. There is an unfortunate concept in linguistic educational circles, which is called semilingualism, which refers exactly to the situation you are describing. We know it best from situations in Scandinavia where Finnish children are coming into the schools and given a Swedish language environment.

This concept has been attacked very thoroughly by some rather progressive European scholars, there is no validity in it. Usually, the people who make that kind of an argument are the people who are trying to find a rationale to explain why the school system does not work. How the solution comes down the pike is another matter. There is no evidence to support this kind of a thing.

Ms. Thomas. If you look at the situation, there is the possibility that a child may speak in English that is heavily accented, that has a lot of the sound of the native language, that may have a lot of the grammatical structure of the native language, but is still English vocabulary. This is the kind of middle ground situation that you find from the situation that you described.

The students are not given developmental training in their native language. They hear some English, and so they do what anyone of us would do in such a situation, they work out an effective code.

Mr. Cross. Are they even literate in a single language?

Mr. Leap. That is a difficult question.

Mr. Cross. Are they able to verbally communicate?

Mr. Leap. They can communicate in that particular code.

Mr. Cross. But if the teachers are not aware of the code?

Mr. Leap. If the teacher is not from the community, the reaction will be negative. If the teacher is from the community, they will be concerned. This does happen in Indian schools, and a significant number. The parents will tell you that they are concerned about the quality of the student's English.

Mr. Sappier. If the native language is maintained, that will facilitate the teaching of English to the children.

Mr. Leap. There is a tremendous amount of evidence to support that. At our center at Pueblo, for example, we have funding from title VII for this kind of situation, and we are finding that there is a strengthening, and a greater growth in English language facility and skill, if language arts address both native and English topics, and not just the English side. That is an interesting research question, but that it happens can be supported.

Ms. **Thomas.** You will find that the teachers are saying that the Indian children are interacting more now with their fellow students. I think that a lot of this has come out of the cultural endeavors that have been the most popular theme in Indian education in recent years. A good way of putting it is that it is only applicable to Indians, as far as the human response.

I can give you an example. There are some places where the Indians are in minority, 1 Indian in a class of 30, and the Indian is said to be nonverbal. We invited our college president and vice president, and the dean of two departments, to come to our long house. Guess who was nonverbal?

I think that there is a human thing there. There is the self-image thing in outreach, to give the person the stability to be able to interact with comfort within the community is very meaningful in language, and can be reinforced both ways.

There are a lot of teacher aid programs that are self-developed in the Indian community, and with the signoff authority. I think that there is an indicator that they do have the interest in their children, and the need for knowing English.

Mr. **Lovesee.** If there are no further questions, I would like to thank this particular panel. I would like to thank all the witnesses today. I would also like to state that the staff would like the opportunity to propound more questions in writing, particularly after we have had the chance to look at the transcript of the hearing, so that we can clarify things.

At the instruction of Chairman Blouin, we will terminate the hearing, after the announcement that on Tuesday, the 20th of this month, we will have another hearing on the same subject, which will be at 1 o'clock in the afternoon in room 2257.

The subcommittee will stand adjourned.

[Whereupon, at 12:15 p.m., the subcommittee adjourned, to reconvene at 1 p.m., Tuesday, September 20, 1977.]

INDIAN EDUCATION—OVERSIGHT

Part I: Supplemental Programs

TUESDAY, SEPTEMBER 20, 1977

House of Representatives,
Subcommittee on Elementary, Secondary, and
Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met, pursuant to notice, at 1 p.m., in room 2257, Rayburn House Office Building, Hon. Michael Blouin presiding.

Members present: Representatives Blouin, Mottl, Quie, and Pressler.

Staff present: John Forkenbrock, majority staff director; Jeff McFarland and Scherri Tucker, majority staff; Christopher Cross, minority senior education consultant; and Jennifer Wysong, minority research assistant.

Mr. Blouin. The subcommittee will come to order.

This afternoon, the Subcommittee on Elementary, Secondary, and Vocational Education, in conjunction with the Advisory Study Group on Indian Education, is conducting the last of a two-part hearing on bilingual/bicultural problems.

It is the hope of the subcommittee that the hearings will lead to a better understanding of bilingual education needs, and will help us to formulate the best ideas possible.

This afternoon, we will hear from Mr. Maurice John, director of the Seneca National Education Program; Ms. A. Gay Lawrence, Arizona Department of Education; and Dr. Lloyd Henderson, Director of Elementary and Secondary Education Division in the Office of Civil Rights.

I think, in order to better utilize our time, I would like to start with Mr. John and Ms. Lawrence first in the form of a panel, and then follow up with Dr. Henderson.

Mr. John and Ms. Lawrence if you would come up to the table.

Mr. John, if you would begin, then we will follow with Ms. Lawrence after that.

The subcommittee has the complete text of your statement, if there is no objection, they will be entered in the record as is. We would ask you to summarize your comments.

[The prepared statement referred to follows:]

page 124 blank

TESTIMONY SUBMITTED TO THE
ELEMENTARY, SECONDARY
AND VOCATIONAL EDUCATION SUBCOMMITTE
IN CONJUNCTION WITH THE ADVISORY STUDY GROUP
ON INDIAN EDUCATION OF THE
COMMITTEE ON EDUCATION AND LABOR

Carl D. Perkins, Chairman

ON

BILINGUAL EDUCATION AS IT AFFECTS NATIVE AMERICANS

Submitted by:

Coalition of Indian Controlled School Boards
811 Lincoln Suite 6
Denver, Colorado 80203

Betty Gress
Acting Executive Director

Maurice John
CICSB Executive Board Member

John Holden
Program Coordinator

Mr. Chairman and members of the committee. My name is Maurice John and I would like to express my appreciation as a member of the Executive Board of C.I.C.S.B. for this opportunity to participate in these oversight hearings.

Bilingual education insofar as C.I.C.S.B. is concerned is a rather ambiguous term as it relates to Native Americans. Not so much in its practical application when this process is allowed to transpire, but in the oft time multiple interpretations by administrative bodies such as H.E.W., B.I.A., etc. As analyzed by today's educational society, bilingual education has the dubious distinction of on one hand, being a valuable learning tool to proponents and on the other hand, being a serious threat to the traditional educational base of many communities. The adversaries in this case are probably unaware that bilingual education is as old as formal education and probably older. It seems rather odd that when the educational systems of the Native American Nations were finally abolished that of the many faceted abolition endeavors, one most assuredly encompassed total destruction of the native languages. This point is emphasized by the former policy of the B.I.A. schools which was reprimanding those Native American students who chose to communicate in their native tonues. Albeit, this was not the only method employed to suppress the language usage of the Native American students. The tenacity and pervasiveness of this practice underscores the fact that many Native languages are today almost extinct. From this contemporary and historical background C.I.C.S.B. must embrace a unique philosophy which goes beyond any heretofore "liberal" interpretation of the term "bilingual education" and that, simply put, is the rejuvination and/or preservation of the native languages which are on the brink of extinction.

From this point of view C.I.C.S.B. has formulated a strategy which hopefully illustrates and defines this expanded philosophy The trimodular breakdown of this strategy consists of (1) an ennumeration of existing programs (2) the specific shortcomings of those programs and (3) recommendations for remedying the situation.

OVERVIEW

Traditional bilingual education has for the most part, encouraged the omnipresent philosophy of eventual assimiliation although it recognizes the value and importance of different cultures and languages. The essence of this transitional bilingual approach is born of the fact that only languages which are written or that can be spoken are given any credence educationally. This is emphasized by the H.E.W. Title VII E.S.E.A. rules and regs §123, 02 (g) (1) (i) which reads: "There is instruction given in, and study of English and (to the extent necessary to allow a child to effectively progress through the educational system) the native or dominant language of the children of limited English-speaking ability." This paragraph, we believe, sets the tone insofar as the federal commitment is concerned and the interpretation it lends to bilingual education in general. Upon preliminary examination, this type of wording limits to a great degree participation by a great many Native

Americans. This is emphasized by the fact that although there are some 275,000 students K-12 enrolled in the U.S. educational system (H.E.W. Bulletin "The American Indian in School," Number 13, January 1973) there are a negligible number of formal bilingual education programs (approximately 25). To bring this situation into even more understandable terms: there are some 30,000 Native American students in Oklahoma and only three formal bilingual education programs. To be sure, pragmatic approaches to bilingual education as it exists presently hinges upon a written or proficiently spoken language.

There are a number of Title IV Indian education programs which encompasses culture to a great degree and language to a very limited degree. The limitation of these programs in addressing language instruction, while important, lie in federal stipulations with regard to segregation and H.E.W. regulations.

J.O.M. monies are available also to a varying degree but those tribes who are in a position to utilize these funds in a linguistic, educational approach (usually those public schools on or adjacent to reservations) have constraints also. These constraints usually are embodied within "state plan" regulations or for those who are operating without state plans the need for operational support has a parasitical effect upon these funds. In essence, programatic and fiscal limitations dictate that other avenues for approaching bilingual education should be explored.

In the natural progression of bilingual educational endeavors, staff training and the availability of those trained personnel becomes an ever increasing concern of LEA's and SEA's not to mention the community concerns, that is to say, the concerns of the parents, local advisory groups, tribal education committees, etc. More and more we, in working with these various groups are forced, when asked to recommend personnel and especially those institutions who train such personnel, to explain that there are virtually no such Native American individuals available and that further there are no institutions involved in the training of such personnel. The inappropriateness of this situation is magnified when the number of Native American students enrolled in institutions of higher education, approximately 30,000, is taken into consideration.

Another facet of bilingual education is that of materials development. There are a number of materials development centers dealing with Chicano programs; however, there are only two centers dealing in materials development for Native Americans. One is the Native American Materials Development Center located in Albuquerque, New Mexico funded under Title VII - E.S.E.A. and the other is the Northwest Regional Educational Laboratory in Portland, Oregon funded by the National Institute of Education. The output and impact of the work of these two centers is very plausible yet, their scope in terms of the number of tribes benefiting, leaves much to be desired. In the case of the Albuquerque center, 90 percent of the materials are Navajo oriented and in the case of the Northwest Lab Center some twelve tribes benefit. Please be cognizant, gentlemen, that the scope of their efforts are dictated by need and geographical location and let's not lose sight of the obvious implication of this situation--that implication being there simply are not enough Native American Materials Development Centers.

C.I.C.S.B. sees in studying bilingual education nationally and regionally that ashoreing up of philosophy and rationale are in order with regard to Native Americans. For example, where is bilingual education headed as far as Native American students are concerned? Is it a heartfelt policy of the U.S. government that along with all phases of education, bilingual education should become one of its motivating forces? This needs to be made clear in no uncertain terms through the Office of Bilingual Education, O.I.E., B.I.A. and also the S.E.A.'s. In supplying the service of T.A. to Indian groups, tribes and L.E.A.'s with Native American students enrolled, there needs to be more of a coordinated effort so that planning, training and implementation of bilingual education programs fuse into a predictable, cohesive educational tool. As the situation presently stands, the Equal Education Opportunity Office and the Office for Civil Rights appear to be the only two agencies who coordinate their efforts. Once coordination has taken place, however, there seems to be a need to establish what specific areas need attention. It's good sense that the focus of these efforts be clearly defined. The catalyst for both of these situations appears to be the lack of understanding of the requirements under Lau and the lack of the awareness that all tribes and languages are significantly different.

SPECIFIC PROBLEMS

As has been stated, the number of Indian students enrolled in public schools and the number of bilingual programs is disproportionate. We view this as a very basic problem. Given the various number of tribes and students, there is as of the present time, an absence of relevant assessment tools by which a specific native language can be measured in terms of proficiency. The overriding factors in this case are that educational agencies do not take into consideration (1) the student's first acquired language (2) the language most often spoken in the home and (3) the language most often spoken by the student. These factors must be weighed together and not as separate entities. The fact that this is not being done leads into another area of concern which is the problem of disassociating the school and home. As we are all aware, most public schools are structured along white middle class mores and virtues. As Indian students come into the public school systems the mores and virtues they have learned and practiced at home are more or less swept under the rug.

This is usually done unknowingly by the teacher; a teacher who usually comes from a middle class background. The value of associating the classroom and home is succinctly illustrated by Clyde Kluckhohn, late professor of anthropology at Harvard in a chapter entitled "Queer Customs" in his book

Mirror for Man. In the chapter, Kluckhohn discusses the concept of culture in the content of biology and individual variation. All people are born with certain basic biological drives and problems, but how these drives are satisfied shows tremendous variation between and within communities. The teacher of the culturally different child must learn that differences among people in the same group are idiosyncratic and the subject of psychology, but that different cultural groups are the subject of anthropology.

One important aspect of culture discussed by Kluckhohn is the interrelatedness of different culture traits. If people change their economic activities they will have to make some adjustments in their social life to allow for the new schedule; or if people change their religious beliefs they will in all likelihood need to adjust their child training practices to accommodate the new ethical ideas.

For example, serious problems can result of Indian young people who have our Indian value system emphasizing contributions to the community, but the only economic enterprises (job) available rely on a desire for personal gain to motivate work performance. The basic message for teachers in Kluckhohn's essay should be that cultural differences are real and legitimate and cannot be divorced from the language influence of any particular culture. Further, C.I.C.S.B. feels that while this may be a general philosophy of L.E.A.'s, is not filtering down to the specific classroom teachers whose students reflect cultural and linguistic traits.

This pervasive lack of understanding of the Native American cultures and languages, we believe, have perpetuated a belief that conditions ~~being as~~ such, nothing can be done to correct the miserable academic statistics of Native Americans. Indelibly, this must be on all fours with the constrictive philosophy and regulations regarding bilingual education.

A problematical spinoff of this condition and coincidental negative statistic associated with the lack of bilingual programs is that of the lack of maintenance and restoration programs. The problem of a lack of these programs probably has more relevance when scrutenized using the 1969 Department of Labor study, conducted under the auspices of then Attorney General Robert Kennedy, as a gauge. The results of the study were published in a report entitled "Indian Education: A National Tragedy; A National Challenge."

The four major points brought out in this report are:

(1) Twenty-five percent of teachers surveyed stated that they would rather not teach Indian students at all.

(2) The miserable academic failure of Indian students.

(3) The horrendous dropout rate--40 percent average and 100 percent in some areas.

(4) The looking-glass attitudes of these children interviewed were in most cases bad. That is to say that the students expressed very little self worth.

The report notes that coercive assimilation has been the main culprit. It further notes that "Indian community and parental involvement in the development and operation of public education programs for Indian children" as one remedy. However, connected with this push is the fear among Indian parents that they, because of their inability to verbalize with school personnel, will be looked upon as a source of amusement rather than a resource. It would seem from a rational standpoint that maintenance and restoration of languages would, if not anything else, circumvent the negative assimilation repercussions plus involve the parents in the educational process as sound educational practice dictates. This gives rise to the notion that if sound education is enhanced by bilingual education, then maintenance and restoration only fortifies that enhancement.

In the area of staffing, certain glaring realities are evident:

(1) The number of certified teachers in school districts with large Native American enrollments is not commensurate with the percentage of Indian students. The below listed metro areas are some of the examples.

  (a) Rapid City, South Dakota
  (b) Billings, Montana
  (c) Anadarko, Oklahoma
  (d) Tulsa, Oklahoma

(Source: Center for Cross Cultural Education data)

(2) Lack of training for teachers in bilingual education. The following are noted:

(a) No undergraduate programs leading to a bachelor's degree in bilingual education.

(b) Colleges which serve large Indian populations (example: University of South Dakota) only have Indian studies courses.

(c) Only one university offers a post graduate degree in bilingual education (University of Oklahoma Doctoral Program--five students).

(3) Of all the programs in CCCE service area most are cultural programs.

(4) There are no training programs at the district level. In these situations there is a two-pronged effort by the resource centers such as CCCE and school districts usually in the form of inservice workshops.

(5) Random assessment of the different resources for training which are virtually non-existant coupled with the large enrollment of Native American students indicates a tendency that there will probably be no Native American bilingual education teachers trained.

The bilingual situation is at best piecemeal insofar as training teachers is concerned. The need exists and the development of resources must be addressed. In looking at the situation for facilitating the training of personnel to maintain and restore languages the prospects are even more bleak as the situation stands at present--land grant institutions of higher education certainly aren't appreciative of the situation but it is obvious they must become so, if the training of bilingual, maintenance and restoration personnel is to be realized.

As far as materials development is concerned, there are two main pitfalls: one, is that here are simply not enough natural development centers as discussed earlier and two, once a bilingual program is funded, there is not enough money in the budget for materials development. The problems in this situation is that each program develops its own set of materials which, in the case where some programs are in the same region, there runs the risk of a duplication of effort. The lack of materials is obvious, for how does one teach without proper tools? It's akin to asking a carpenter to build a house without a hammer and nails, both of which, we are aware, are very basic to the carpenter. It is no less true with a teacher with regard to materials.

RECOMMENDATIONS

Introduction

C.I.C.S.B. realizes that restructuring legislative edict is a Sissephieun effort to say the least. This also holds true in endeavoring to change rules and regulations on a national scope. With this in mind, we have ventured with our recommendations to realign interpretations of terms and involve people who have heretofore, from the Native American standpoint, been ignored when bilingual education has been the subject. Further, we have hoped to give some meaning to an overused, but in this specific case, a very appropriate term--innovation.

We feel that as a national organization, we are charged with the duties of securing the best education possible for our children--the magnitude of what we do now must coincide with what the future holds for us as a contemporized culture.

Ethnocide as a term is benign and the full force of the term is lacking, for as a nation we do not see it happening from day to day. One stark reminder of the reality of that term, and there are many, is the complete loss of the language in many of the recent generations of Native Americans. To alleviate this situation C.I.C.S.B. has three major recommendations. All of the recommendations stem from the approach that as far as Native American bilingual education is concerned there should be three categories: (1) Restoration programs (2) Maintenance programs (3) Bilingual programs. Inasmuch as these categories have different starting points and only one has a definition, educationally, Recommendation I will deal mainly with restoration and maintenance programs. Recommendation II will deal with higher education training programs and Recommendation III will deal with materials development.

Recommendation No. I

A. Indian Desk-National

The creation of an Indian desk within either the Department of H.E.W. or Interior should focus upon the linguistically and culturally diverse Native American tribes. From an administrative standpoint this agency would function in the same manner as the Office of Bilingual Education. However, its only responsibility would be to Native Americans. The same methods of reporting, monitoring and fiscal management would prevail. Direction in structuring this agency would be supplied by the technical assistance agencies such as general assistance centers, Title VII E.S.E.A. T.A. Centers, O.C.R. representatives and other agencies who deal with Native American bilingual education at the national or regional level.

B. Tribal-Program

Each tribe would decide whether their needs were more inclined towards a maintenance approach, a restoration approach or a bilingual approach. A set of criteria would be formulated by a task force made up of the tribal representatives, Department of Interior representatives and H.E.W. representatives to aide the tribes in determing program selection. Again, assistance would be sought from those agencies with a background in Native American bilingual education. As there are no precedents set as far as restoration and maintenance programs are concerned, the tribes will develop internal programatic evaluation tools as the tribes are the only experts in these cases. As far as bilingual education programs are concerned, existing guidelines, rules and regulations will prevail. In all instances, fiscal requirements will be the responsibility of H.E.W. or Department of Interior. In the case of non public schools they would fall under the same requirements as public schools. The task force mentioned above would also be responsible for making recommendations for developing specialized language assessment packets and evaluation methods and T.A. delivery. In all cases, tribes would be involved from beginning to end and would have final say so in the operation of maintenance and restoration programs.

Ideally, the first grants would be demonstration grants -- especially in the cases of maintenance and restoration programs. With the aide of the various technical assistance centers, five year plans could be drawn up with K-3 being the restoration phase, 4-6 the maintenance phase and 7-12 the bilingual phase. There would be variations of course, in each plan, but the methodology would provide direction and an indication of expected results. To ensure that the appropriations do not get mixed with discretionary funds, a set aside would be provided for, designed along the same lines as the Title IV-A set aside monies.

Recommendation No. II

For higher education programs an appropriation would be made available to those institutions wishing to train individuals as bilingual instructors. The methods for allocating funds would be left to H.E.W. or Interior with the end result being the granting of undergraduate and graduate fellowships to those individuals.

Recommendation No. III

C.I.C.S.B. recommends that the appropriation of funds be made so that materials research, development and dissemination centers could be established at geographical locations around the country. In this manner, duplication of effort would be abated.

It would also provide a clearing house for validation and critique of materials. The staff would be made up of linguists, tribal bilingual and monolingual native tonwe experts and professional administrators. Ideally, these centers would be the home base so to speak for all the programs--bilingual, maintenance and restoration. In this manner the materials developed would be available for all the schools in one region in the case of an influx of children of another tribe either into the region or into another region.

CLOSING STATEMENT

We want our children to take their rightful place in the destiny of America as have the children of so many people. We know that America is now a mozaic of many different groups. Most of them have made themselves a secure place in our system. We know that America allowed them to use the school system to better themselves, to insure their children's success. We only ask the same.

It has taken more than one hundred years to bring the Indian people to this present low point in our history. The schools must accept much of the blame for that decline. We know, however, that if Indian people are allowed to create a bilingual bicultural education for our children which will blend the best of two great civilizations, then we will not need one hundred years to regain our greatness as a people. And we know we will live to see the day when our children take their place in the American sun.

STATEMENT OF MAURICE JOHN, DIRECTOR, SENECA NATION EDUCATION PROGRAM, ACCOMPANIED BY JOHN HOLDEN, PROGRAM COORDINATOR

Mr. JOHN. First of all, I would like to take this opportunity to thank you for inviting me. I consider it one of the high points of my life.

Mr. BLOUIN. We hope that you still feel that way afterward.

Mr. JOHN. I hope that something will come out of it, and we can share what we have to share with you, and we can share some of your problems, perhaps.

I would like to introduce Mr. John Holden. He is the program coordinator from the Coalition of Indian-Controlled School Boards. He works in the bicultural programs. I would like to have him, at this time, lay out the overview of our recommendations.

Mr. HOLDEN. As Maurice has stated, I work with the coalition in the capacity of a member of the staff, my main charge being to help local school districts provide educational programs for language minority children. We were founded under the provision of the *Lau* decision in 1974.

As the main writer of this testimony, I would like to briefly outline some of the reasons why it was put in this particular format. One topic you can identify with, I am sure, is the limitation of time, where I was rushed to do something at the last second. I am sure that you can all identify with that.

However, in the area in which we are working, there are seven States. Within those seven States, Montana, Colorado, North and South Dakota, Oklahoma, Wyoming, and Utah, there are some 55 different dialects spoken of native American languages, delineating it to five different interpretations of that language, or whether they be one major, such as in North Dakota.

Within those 55 different dialects, we have come across certain items which we believe are very conducive to restricting what bilingual education means as far as those people are concerned. I have outlined in the testimony a particular section in the title VII ESEA rules and regulations, the one which states that the students will be taught in English, and to the extent necessary, to allow the child to effectively progress with his education, the native or dominant language of the children of limited English-speaking ability. We believe that this particular kind of phrase sets the tone as far as bilingual education is concerned, and that being restrictive, how many people can participate actually in bilingual education programs.

We feel that to effectively create programs for native Americans with bilingual education, restoration and maintenance programs should be a part of the regulations or should be interpreted as being implied by the rules and regulations.

We feel that local education associations and State education associations do not have that particular interpretation as part of their philosophy.

Title IV Indian education comes to play a great part in the bicultural programs, and a very, very small part in bilingual programs. However, it is rather piecemeal because of the segregation aspects of providing bilingual education and because of the particular rules and regulations that title IV operates under.

JOM comes to play also, but we feel that because of certain State plan requirements, bilingual education cannot be addressed totally. We also feel that the schools that do not operate under the State plan mandates are limited to a great degree by the fact that operational support drains most of the funds, just to keep the school going, with payment of day-to-day operations. This does not allow JOM moneys to be used in this particular sense.

Another area which we feel needs to be addressed is that concerning training of bilingual instructors for native American students. A this particular time, there are no undergraduate programs—if there are some I wish that somebody would correct me. As I understand it, there are not any undergraduate bilingual programs leading to a degree in bilingual education.

There is only one program which offers postgraduate instruction and that is at the University of Oklahoma. They have five people in their doctoral program. Also, the disparity here is that out of 30,000 K-through 12 students in Oklahoma, 5 instructors are available. As you can see, this does not fit the bill.

The last issue that we see as a prime issue is the one of materials development and dissemination. There are many Chicano programs which have materials dissemination centers. However, there are only two centers dealing with materials development for Native Americans. One is in Albuquerque, N.M., and the other is at the Northwest Regional Educational Laboratory in Portland, Oreg.

The one in Albuquerque is funded under title VII, ESEA. The one in Portland is funded under the National Institute of Education. In both cases, the number of tribes benefiting are mostly in New Mexico, because of the large Navajo enrollment of students. Ninety percent of the materials are Navajo oriented.

In the case of the Northwest Regional Educational Laboratory, some 12 tribes benefit.

We can see that the need and the geographical location of those two centers are the prime reason that they cannot serve more tribes. Our whole point being that there are simply not enough information dissemination centers.

The other things, and they are more effective than they are concrete—what is the philosophy toward bilingual education as it concerns native Americans? Is it to be taken by native Americans as being a real concrete program they can depend upon within the public school system; or is it something that is more or less there for them to use, if they can come up with all the reasons as specified under title VII ESEA rules and regulations?

We need to have more of a commitment, a coordination of technical assistance in terms of providing professional assistance, in developing those particualr tools to evaluate language dominance in a particular language. As you can see, if the language is not being preserved, or is not in existence, this would be impossible to do.

We have three major recommendations. One is that instead of trying to change ESEA rules and regulations, which is probably an unsurmountable task, or to change the philosophy on a nationwide scope, we would rather see innovations, which is a much overused term, but innovations in terms of saying:

"The native Americans have had their languages taken away to a certain extent." This is magnified by the fact that the BIA in its early stages, would reprimand its students for communicating in their native tongues. Then, taking this into account, "the approach of restoring those languages, maintaining these languages, which are almost on the brink of extinction, is a duty of either the Federal Government or the State educational associations."

We are not at the point where we are saying, change those rules and regulations, but the interpretation of those rules and regulations needs to be set and it needs to be liberal enough that native Americans can realize the benefits from these rules and regulations.

To implement this, we recommend a national desk dealing specifically with bilingual education, that would be staffed either through the Department of the Interior or HEW, so that particular needs, for instance, the tools to determine the proficiency in a particular language could be addressed, and we would not have to go through the different terminals as we have to now. We feel that this is a dire need. The tribes should be involved in determining the types of programs they would need to suit their native American future, whether it be a restoration program, a maintenance program, or, as determined, a bilingual program, which is at the present time the only educationally definable program.

We recommend an appropriation to be set aside much like the title IV A is set aside, so that the moneys would be flowing directly to the tribes or to those LEA's which serve those tribal students. In this manner, they would not be lost with the discretionary funds.

The last recommendation which I have is the materials dissemination and development centers. We think that this could be, probably, the main, if not the most important, recommendation we can make, because we see this as being a center where not only materials are put together and validated, but also as a center for referring individuals to the locations where they are needed, to have materials at the center to be redistributed regionally and nationally when needed. Also to house, in the future, staff such as general assistance centers, and staff such as ESEA technical assistance centers.

An overview would be, I guess, that we need revamping of what the commitment is; how that commitment is sent down to the States; appropriations; and teachers for bilingual programs.

Thank you.

Mr. Blouin. Thank you.

One comment before you start. I noticed the size of your prepared testimony. The subcommittee staff will have to use some judgment in inserting it all in the record, but we will try to get as much of it in there as we can, with the budgetary limitations that we have.

You may proceed with a brief summary.

[The prepared testimony of Gay Lawrence follows:]

TESTIMONY PRESENTED ON FEDERAL SUPPORT OF BILINGUAL/BICULTURAL PROGRAMS WITH REGARD TO INDIAN EDUCATION

Before The
ELEMENTARY, SECONDARY & VOCATIONAL EDUCATION SUBCOMMITTEE,
In Conjunction With
THE ADVISORY STUDY GROUP ON INDIAN EDUCATION OF
THE COMMITTEE ON EDUCATION AND LABOR
CONGRESS OF THE UNITED STATES
HOUSE OF REPRESENTATIVES
RAYBURN HOUSE OFFICE BLDG., ROOM 2257
SEPTEMBER 26, 1977

By

GAY LAWRENCE, EDUCATION PROGRAM SPECIALIST
DIVISION OF INDIAN EDUCATION
ARIZONA DEPARTMENT OF EDUCATION
PHOENIX, ARIZONA

Ita chan le wo pila he ca. Pe la ma ya! (Dakota, Sioux).

Mr. Chairman, Honorable members of the Committee, and distinguished guests, I am Gay Lawrence, Education Program Specialist with the Division of Indian Education, Arizona State Department of Education. Thank you for allowing me to provide testimony on this vital area of Bilingual/Bicultural Education for the American Indians.

I say American Indian, because the native groups I will be speaking of will be those of the Sovereign Nations or Indian Tribes, the Urban Indians representative of those tribes and their children. However, I do not profess to represent or speak for all Indians. My testimony is based upon knowledge gained and personal experiences as: (See attachment I)

a. A Sioux Indian born and raised on the Cheyenne River Indian Reservation, Cheyenne Agency, South Dakota,

b. A student of the reservation educational system,

c. An Indian educator with a Bachelor of Science Degree in Education and Graduate work in Elementary Education and Educational Administration with nine years of teaching experience in both Bureau of Indian Affairs and the Public School system and five years of administering federal and educational programs, and

d. Currently, working with Johnson-O'Malley, Title IV (Indian Education), and Bilingual Education in the areas of technical assistance and monitoring programs in Arizona.

In the early history of the United States, one of the most consistently repeated errors made by government officials was the assumption that Indians are Indians i.e. All American Indians somehow fit into an Indian mold that permits mass characterization. Such assumptions has never been the case and certainly is not now. Stereotyping anything as "typically Indian" is an exercise in futility.

As an American Indian, I am proud to be an Indian of Sioux heritage and descent; a mother of two Indian sons and the wife of a Indian male. Like many American Indian families, we pay taxes, own property, vote and have a credit rating. I have kept abreast of happenings on my reservation and retain continuous voting membership in my tribe.

Having made these statements, one can see the uniqueness of being Indian, having a tribal identity, custom, language, and culture as well as living in America with all its rights and responsibilities.

As an Indian parent and educator, we must be concerned with the special problems of Indian children in our educational system. In the reservation schools of which I was a part of—I was called a failure, the councelors told me I should never go to college—that I should never be able to compete there that I was too shy and could not speak good English. I was too "Indian"!

Labeling and stereotyping is still one of our problems confronted by Indian children today. Potential leaders are programmed to fail because they are labeled early in life as failures and denied the chance for quality education.

We are also judged by standards that are not our own. Yet, we have been inhabitants of this continent for over 25,000 years.

In Arizona I work with the 19 tribes, public schools, Indian organizations and agencies that directly or indirectly relate to the education of Indian children.

The topic I am to testify on is "Federal Support of Bilingual/Bicultural Programs, with regard to Indian Education.

Where do I begin? There is such wide discrepancy among educators in even defining bilingual bicultural education and in interpreting regulations.

Yet, there is a definite need for bilingual bicultural education for American Indian children.

Past events that have indirectly affected bilingual bicultural education for American Indians are as follows:

-In 1512, Pope Julius II made us decendents of Adam and Eve, up to that time we were considered animals.

-In the 1800's and 1900's, the relationship of the American Indians to the Federal Government was that of Nation to Nation. Recognition of this unique status was historically documented through formal agreements or treaties between the Indian Nations and the Federal Government, but most of these Treaties have yet to be honored by the Federal Government.

-In 1934, the Johnson-O'Malley Act was passed and amended in 1936 providing the legal authority for financially assisting states in their responsibility for the education of Indian children.

-In 1969, the Title VII Act was initiated due to the influx of Cuban Refugees to Florida. The funding rate in Title VII has increased from 5 to 135 million dollars this year for bilingual education since 1969.

-In 1972, the Indian Education Act was passed by Congress, directing Indian participation in Indian Education and providing funds for programs on the local level to meet the urgent needs of the Indian children.

-In 1974, the Lau vs. Nichols case was an important decision concerning bilingual education for limited english speaking people, this language case ruled that the San Francisco Independent School District was in violation of the civil rights of non-english speaking Chinese children and mandated the district to develop a comprehensive series of programs which would meet their needs.

The education system in American was ready to fund and assist the Cuban Refugee in 1969, the Chinese child in San Francisco in 1974 and more recently, the Viet Namese Refugee. The Title VII Act has been labeled a Mexican American program. Johnson-O'Malley and Title IV have great merit, but they are for the development of supplemental programs. When is the United States going to serve its original Native Americans, and when are schools going to meet the needs of the Indian children?

Over the past decades, human problems created by years of neglect and descrimination have resulted in failure for Indian people. Native Americans rank the lowest in every measure of health, income, schooling, and achievement. At the risk of being redundant, I will repeat the following demoralizing statistics:

1. The average life expectancy of the Native American is estimated anywhere between 44 and 66.5 years. The national figure is 70.4.

2. Infant mortality is twice the national average. This, coupled with a high birth rate, has resulted in over 50% of all Native Americans being 17 or under. Such a population is very difficult to support.

3. The average annual income for Native American families has been estimated at $1,150 for those living on reservations. Other estimates, say 63% of Indian families' incomes are not above $6,000. Either way, the figure reveals severe proverty levels.

4. The unemployment rate for Native Americans is 40% with an additional 19% working in temporary or seasonal jobs.

5. The suicide rate is 21.8 per 100,000 as compared with the national rate of 11.3 per 100,000.*

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*Debra Bradford, "Bilingual Education for Native Americans," Unpublished paper presented to the Office of Indian Education, August, 1974.

6. The drop-out rate is the hightest in the Nation, only 7.8% of Indian males and 9.8% Indian females have completed high school. The national average is 34.0%.

7. The average year of schooling is 5.5 for the American Indian and we fall far behind the Blacks and Mexican Americans.

8. The average Indian family still has to carry water for daily use at least a mile and usually on foot.

I realize you have heard these statistics and statements before and granted there has been an improvement. However, Indians account for no more than 1/2 of 1% of the population. That America has failed with so small a number dramatizes the magnatude of failure after three centuries of experimentation. The enormous cultural, economic and educational gaps that have developed between the Native Americans and the mainstream of American Society could be bridged by bilingual bicultural education. To give you some insight on how an Indian student feels, I submit attachment II "I always knew I was an Indian". We are aware these attitude and situation have occured in the past.

Today, there have been many encouraging signs that both Indian people themselves and the public officials charged with or concerned about their welfare, are developing new attitudes and in turn new relationships. The great liberation movement and civil rights activities of the 1960's did not leave Native American communities untouched. The Indian Self-Determination Act (P. L. 93-638) has quickly become the rallying point of Indian people throughout the nation.

Indian people have assessed their former status as wards in the protective custody of the state and are demanding the right to determine their own and their children's destiny. Together with concerned and interested educators, they are making some promising strides to bridge cultural , economic, and educational gaps.

As Indians, we live with our problems, they are reality. Three years ago when I was with a school district, one of the Indian student I was working with committed suicide. She had been an honor student and in the upper 10% of her class. Yet, she chose to take her life rather than face frustration. We speak of statistics, this was reality to me and I will never get over the great loss of one Indian child.

The cultural, racial, and linguistic differences of the Indian child should not be reviewed as negative components to be temporarily tolerated or ignored, but as integral, positive forces to be considered in a child's basic education. For an Indian student, the same has not been equal. For example, a limited English-speaking child who has not yet mastered the English language is labeled "language deficent". Yet, he is only language deficient in terms of mastering the English language. In reality, he is proficient in his native language and able to communicate comfortably. Language proficiency is measure by the degree to which one is able to master the English language, not to the degree one is proficient in his native language. My point is this— whose standards are we using for our Native American children and who does it benefit most? The value of two langunges is forgotten in the efforts to provide mass education in America.

According to past treaties, education has been a consistent demand by Indian leaders. Preserving the inalienable right of Indian children to a full and meaningful education in pre-school through college, to use their natural langunge as well as English, to know their culture as unique people, as well as, the non-Indian culture and the right to an equal share of the resources and financial support necessary for their total development. We do not beg for these rights because we have paid for them with a loss of our culture, pride, and self-respect, and are still paying. In the words of Chief Dan George, "An Indian cannot participate until he can come as an equal. Pity he can do without. He shall come in dignity or he shall not come at all".

Indian people by an overwhelming majority, wish to retain their "Indianness". By Indianness, we mean, being an Indian with a distinct culture and language in spirit, in blood, and a refusal to become extinct.

Each Indian must work out his own path in life in a world that is both Indian and non-Indian. It is in the role of facilitator that educators can make their most overwhelming contribution.

A child should not have to choose between his heritage and the (school) broader American Society.

This is the need for Bilingual Bicultural Programs!

A Cheyenne child, after his first day of school and having received his books written in the English language, spoke in Cheyenne to his parents, "how am I going to mouth words that I have never heard in my life".

The Goal for the Indian child could be reached through funding of Bilingual Bicultural Programs. Yet, we must scrutinize the method of delivery, "Education is your greatest weapon, without it, you are the white man's victim; with it, you are his equal." "To His People" by Plenty Coups, a Crow Chief.

Education for the American Indians has for most of its history concentrated on the eradication of Indian languages and traditions in the name of Americanizing, or assimilating the Indian child. Some critics of Indian education, say a lot of what is said about the unjust treatment of Indians has happed in the past, we are not accountable for the past. Yet, we who are here today are concerned with present issues confronted by our children in the educational system which still exists.

Some of these issues concern the use of irrelevant materials available at present for bilingual programs for Indians. Many Indian languages have no standard orthography. Not many Indian teachers are trained to teach in their languages. Materials will continue to be lacking if languages are not written, and if written, are useless if there are no people trained to use them. Just having an Indian teacher-aide in the classroom will not suffice and pass for bilingual education as it has in the past.

The value of bilingual education for American Indians as the most effective route to an excellent education may be increasingly accepted given the success of model programs. At present, there are not many Indian bilingual bicultural education programs.

Let me be more specific! In 1976, Indian Title VII Project constituted less than 10% of the total amount funded by Washington, D.C. Last year Arizona was funded for 19 Title VII Bilingual Bicultural Programs. Out of 19, there were 10 Indian programs; 5 were Public Schools, 4 were Bureau of Indian Affairs Boarding Schools, and 1 Contract School. Title VII allows funding to Bureau of Indian Affairs Schools, as well as, Public Schools, this is an advantage for Indian children. All projects in Arizona are unique and have various activities for bilingual bicultural education. But, there remains a similar goal, Educators working with children who speak limited English are interested in bilingual bicultural education as a means of providing a better educational opportunity for them. This 1977-78 school year, we anticipate Title VII Bilingual Bicultural Funding for 26 projects in Arizona, of which 12 1/2 will be Indian. A need for more schools with Indian children to apply and institute bilingual bicultural programs exists. Johnson-O'Malley and Title IV Funding is supporting Bilingual Bicultural Programs in some areas. Arizona and other states have children eligible and still needful of bilingual bicultural education. However, because of various reasons they have not instituted bilingual bicultural programs to serve the needs of the children. The obligation exists in order to be more responsive of the needs of our Indian children. Schools should plan comprehensive bilingual bicultural education programs.

Please find attached, two Needs Assessments from two different schools, also one bus schedule and a form 101. (Attachment III)

I call your attention to the extenuating circumstances governing the education of our Indian children shown herein by the examples:

a. The examples show 93% of the children come from homes where the tribal customs, traditions, religion and language is different than English. Yet, the curriculum, supplies, materials, staff and school environment is predominently English

b. The parents of the children are even further steeped in their traditions, customs and beliefs than their children. The average parent has grade achievement of approximately fifth or sixth grade.

c. The school has to identify the children's needs and made provisions for them.

d. In order to serve all children in bilingual education, funds are allocated too thinly to be of much benefit.

e. Test scores reveal the urgency of giving intensive language training at all levels.

f. Indian children have to contend with extremely long hard bus rides over dirt and poorly paved roads. Note attachment III, the furthest one-way route is 83 miles, often the children have not had a proper breakfast or rest.

g. Low income and poverty is predominent among a majority of Indian families.

RECOMMENDATION:

The total enrollment as indicated in attachment III was 1900 for the 1975-76 school year, of that 1900 enrollment, 92% were Navajo and 1/2% Hopi and 1/4% other Indian students. Navajo and Hopi is used to the exclusion of any other language in the homes of 95% of the students.

An obvious recommendation, is where 95% of the children speak only Navajo, a tremendous need for a native language program exists. Based upon this need and whereas the majority (95%) of students are unable to derive benefit from curriculum and a course of study when it is offered only in English. Therefore, A BASIC PROGRAM should be instituted in the language of the child, supplemental or one shot attempts will not suffice.

Please refer to attachment IV, Bilingual Education at Rock Point—Some Early Results and Dr. Wayne Holm's testimony*. The material is self-explanatory in results of bilingual bicultural education,student achievement test scores improved significantly. It was my pleasure to visit Rock Point School in May. The efforts expended by the staff for Navajo Monolingual speakers is exemplary. Rock Point is a community school operated by an all Indian School Board. The school offers a bilingual program for children who are 95% monolingual in Navajo, English is the foreign language. Everything is introduced and taught in Navajo, the second grade students begin reading in English. In grades 3 to 7, there are specialty courses in Navajo. Materials production has progressed to a point of merit and success. I saw happy, confident, and proud Indian children, also some blond blue-eyed children all conversing in Navajo and/or English.

I would like to extend an invitation to any and all of you who are interested, to come to Arizona and see for yourselves, where that federal dollars is filtering, too. A picture is worth a thousand words.

The merit and pleasure you would receive by talking to an Indian child will surpass my testimony here today, and any picture provided.

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*Note, Dr. Wayne Holm testified on June 8, 1977 before this same committee.

SPECIFIC REFERENCE TO THE PROPOSED MAJOR AMENDMENTS

With specific reference to the proposed major amendments to the Bilingual Education Act published in the Congressional Record on June 2, 1977, I offer the following comments:

FIRST, THE DEVELOPMENT OF A VARIETY OF MODELS:

Agreed! Value of bilingual education for American Indians as the most effective route to an excellent education may be increasingly accepted given the success of model programs. At present, there are not many Indian bilingual bicultural education programs. If models can be presented, as a vehicle to be used and not by stereotyping Indians.

But keep in mind, Indian people do not need another Mexican American Program to copy. Models should be Indian Bilingual Education Programs.

SECOND, TYPE OF PROGRAMS SELECTED BY LOCAL PARENTS:

Excellent! With adaptations and revisions I hope! Also, necessary is an adequate needs assessment for bilingual programs for American Indian children considering several factors to realize before initiate a program. Some factors are:

a. Attitudes of the student, school system, staff, parents and community. Example: A school in Arizona conducted an elaborate survey of parents resulting in a need and desire for bilingual bicultural education, however, when the survey was given to the school district staff, the results were the opposite. Much preplanning and awareness needs to be accomplished before instituting any programs.

b. Peer groups become very important at the age of puberty in determing student's feelings, actions, and goals. This should be considered in a needs assessment. Example: Kind of peers, language spoken to peers, standards, etc.

c. Parents represent the closest contact with language and culture and are the most important element in the educational process. It becomes important to assess: (1) the ability of the parents to understand, speak, read and write english, as well as, their ability to understand, speak, read and write in their own native language; (2) the education level of parents; (3) the income of parents; (4) the stability of the home life; and (5) the things parents do or not do in support of their childs education.

I am glad the trend is changing and parents are no longer locked out of the educational structures, legislatively and administratively, as reflected by legislative mandates to include parents in programs including Title I, Title IV, Johnson-O'Malley, etc.

THIRD, MULTICULTURAL TEACHING:

a. The concept of culture has a bearing on success in school, because: (1) the student's knowledge of his own culture; (2) their knowledge of the Anglo culture; (3) their knowledge of other Indian cultures;

(4) the compatibility of a particular Native society and culture with the Anglo society and culture; and (5) the points of conflict as far as job opportunities, discrimination against the culturally different and civil rights. They all have a bearing on the success of American Indian students.

b. Language reflects culture and the reciprocal is true.

c. A culturally relevant program will reflect: (1) Active involvement by the Indian community; (2) maximum student participation; (3) materials development; (4) local cultures with comparison and understanding of others; (5) teacher awareness and involvement; (6) teachers and administration should receive training in working with a culturally different population; (7) diagnostic, prescriptive strategies; and (8) evaluation.

FOURTH, EVALUATION:

Agreed! However, in assessing evaluations, once again, I must reiterate that American Indian projects should be evaluated separately and not be measured by other standards (Mexican American). We cannot be characterized in the same mold, for example, there is ample materials available in Spanish for the Mexican American child, the reverse is true for American Indians. Recently, the Navajo have developed a quantity of materials, however, there is an imparative need for materials to be developed for all tribal groups, particularily, the smaller tribes whose language is alive and dominent, but who lack the

In addition, the Congressional Record sites several findings: These findings may be true for other language groups but an evaluation should be conducted separately for the American Indian. Example, the record shows 86% of the Title VII project directors reported that Spanish dominent student often remain in bilingual classrooms after they are able to function in English. What about Indians, are we to be classed as Spanish?

FIFTH, THAT ACADEMIC PROGRESS BE DEMONSTRATED BEFORE FURTHER FUNDING OF A PROGRAM COULD TAKE PLACE:

Fine! Providing an adequate diagnostic, prescriptive approach has taken place and the academic progress has been measured by good quality control.

SIXTH, STUDENTS WITH THE GREATEST NEED FOR THE PROGRAM BE SERVED FIRST:

Fine! Providing the need is determined by a quality needs assessment taken into consideration factors mentioned heretofore.

FINALLY, I respect the attention, research, and work that Senator Quie has completed on the major amendments to the Bilingual Education Act. I thank you for your concern. However, there is one area where I implore the committee to consider separately. American Indian children do need a bilingual program which will assist limited and non-English speaking students in learning English. Please do not include us in the vast majority when you consider maintenance programs with respect to bilingual bicultural programs. Spanish language is utilized economically, socially, academically and almost all over the world. You might say Spanish is a majority language, in contrast, education for the American Indian has for most of its history concentrated on the eradication of Indian languages. Early Indians were told to speak their language was bad, children in Boarding Schools were beaten if they spoke their language, today, it is being lost. Some Indian languages have no standard orthography. Trained teachers in native languages are hard to find. Yet, we will have dominant speakers of their tribal languages and our children are still coming to school not knowing English.

Indian people not only want to maintain their language, but a rejuvenation program as well. We need more Indian linguists to advance our language.

Perhaps, a separate amendment is needed for Indian bilingual bicultural education based upon the unique status of the Indian people and their relationship with the U.S. Government. The purpose: to eradicate the wrong done over centuries and improve the sad statistics available on American Indians and their children. The goal can be transitional in nature. We do want to learn English, but we must also make certain that our children can communicate with their parents, elders, peers, and Indian community. We must make certain that bilingual bicultural education for the American Indians is not defined only as transitional, leading to eradication of our language and extermination of our culture. We want true bilingualism, we do not want to give up a shred of our linguistic cultural identity and we want to be competent in English, reading, writing, speaking, etc.

> "We shall learn all the devices the white man has,
>
> We shall handle his tools for ourselves,
>
> We shall master his machinery, his inventions, his skills,
> his medicine, his planning,
>
> But, we'll retain our beauty,
>
> And still be Indian!"

David Nez

IN SUMMARY:

We as Indian Educators have committed ourselves to the Bilingual Education Movement as presented in this testimony, now we are asking you in return to commit yourselves to support and respect our endeavors for the benefit and safe guards of our children. Our tribal language, culture, and philosophy must not be separated, it must remain wholistic with each aspect contributing to the benefit of the others.

STATEMENT OF GAY LAWRENCE, EDUCATION PROGRAM SPECIALIST, DIVISION OF INDIAN EDUCATION, ARIZONA DEPARTMENT OF EDUCATION

Ms. LAWRENCE. Thank you, Mr. Chairman. I thank you for allowing me to come and testify. Also, I am here because of the drastic need that we have in the Indian community for Indian children to receive bicultural and bilingual education.

Title VII originated in 1969 due to the influx of the Cubans. Immediately, the United States felt there was a need to address the language deficiencies. So this is how the title VII began.

Then, in 1974, we had the *Lau* v. *Nichols* decision, and since then title VII has been labeled more or less a Mexican-American program, because of the large percentage of Mexican programs funded, and more recently Indian programs have been funded.

Indian people do receive funds from Johnson O'Malley and title IV, and they have great merit. However, they are for supplemental programs to be developed. I believe that the United States has got to fully give benefits to the Indian child as far as education is concerned. Our statistics feed into that, but I will not go into it at the present time.

The statistics for native Americans in schooling, income, achievement are demoralizing.

The Public Law 93–638 has quickly become a rallying point for Indian people across the Nation, and this has been good for us. But to bridge the cultural, economic, and educational gaps, I think we need further funding that will deal directly with Indian issues because, for example, an Indian child who speaks his own language is considered language deficient because in the school that he attends, the whole academic curriculum is in English. So, although the child may be completely proficient in his own language, he is considered language deficient. Our children are forced to adhere to the mass education that the American system has.

Indian people, by an overwhelming majority, wish to retain their Indianness. By this I mean, being an Indian with a distinct language, culture, experience, and blood, and a refusal to become extinct. This is the basis why we want bilingual/bicultural programs for our children to retain what their traditional culture has always been.

An Indian child said to his parents, when he first went to school and was presented books entirely in English, and was talked to entirely in English, "How am I going to know words that I have never heard in my life?" This child said a lot, because our children face this daily.

They come to school not speaking the dominant langauge, yet the total curriculum is in English. Education for centuries has concentrated on the eradication of the Indian languages and traditions in the name of Americanizing for assimilation. Recently there has been a movement to retain and keep the culture and the language, and bring it into the schools, and allow the Indian community to come into the school and work in partnership with the school in educating the total Indian child.

We do have problems because many of the Indian languages have no standards of orthography, but we are developing that. We have Indian linguists now who are working on it, and we need more.

The value of bilingual education for the American Indian is the most effective road to an excellent education. In Arizona, we had last year, out of 19 funded projects, 10 projects that were Indian. Those 10 projects are all in various stages of development. I have had an opportunity to visit all of them and I can mention to you—when Dr. Holmes testified before this committee in June, I would like to tell you that what I saw when I visited the Rock Point School was what I would call a total eductaional opportunity for the child.

The school was responsive to the needs of the child, and the child was receiving a comprehensive education. If you will refer to the back of my testimony, the TESOL Report shows a significant gains that the children made at the Rock Point School. This is an indication of what can happen, and how education can achieve a measure of success for the Indian child.

I did submit in the testimony an example of two needs assessments done in Arizona. One shows that at one school, where 93 percent of the total population were Indian children that came from homes with tribal customs, religion, and language were totally different to English. Yet the curriculum, supplies, staff, and school environment were all English. The parents of the children were even further steeped in the traditions, customs, and beliefs that the children were. The average parent had a grade achievement of fifth or sixth grade.

In order to serve those children, funds have got to be allocated because right now the funds are spread too thinly. Test scores reveal the urgency of giving intensive language training at all levels.

In addition to the language and the culture differences, our children have to contend with the extenuating circumstances, such as extremely long and hard bus rides. I have submitted in my testimony a copy of a bus route for one school. The longest distance that the children have to travel is 83 miles. In addition to this, the children do not get proper breakfasts, or proper rest before traveling that bus route.

Low income and poverty is also predominant among the majority of the Indian families. So this is part of the need for bilingual education. In addition, to this, we do not need any one shot attempts, or poorly funded projects. What we need are basic programs instituted in the language of the children. This would encourage the whole education of the child.

In addition, I would like to extend an invitation to members of the committee to come to Arizona and see the bilingual/bicultural programs. See the children, and what is happening to them. Your talking to one Indian child would surpass my testimony here today.

As far as recommendations, I have answered specifically some of the recommendations Mr. Quie has submitted, but before that, I think, over and above everything, to assist all of the projects under title VII, there needs to be a change in the title VII from demonstration projects to service projects. This would improve a lot of the problems that we are facing, because as a demonstration project, the funds are cut off as soon as it is successful, and there is an order for the school district to take over the program.

I would like to see title VII become like title I, based on need, because we can certainly fill the needs of the children. In addition, because this is a demonstration program, the funds are not invested long enough to show progress and merit. If it were a title I project, we could show all of the areas that Mr. Quie has suggested in his amendment, such as model programs, local/parental committee involvement, teaching evaluation, academic progress, and the children with the greatest needs served first. This would be my recommendation, to change from title VII demonstration to a service project.

My second recommendation would be, a separate amendment written specifically addressing the unique and diverse needs of the bilingual/bicultural education of the American Indian. This would include site curriculum as well as dissemination centers.

As Indian people, we have a great need for materials development. As was earlier addressed here, that need has not been met. One of the problems is that we have such diverse tribal groups. Some of our smaller tribes do not even get any publication of materials.

For example, there is great need for language development. Recently, the title VII project director has developed a primary dictionary which has met with a lot of success. We need teacher training and we need linguist training and orthography development to assist in our language.

We need more funding for urban-interfaced schools right now, where the Bureau of Indian Affairs and school districts can apply and receive title VII funding. However, the Bureau has yet to designate somebody in their own office to work with title VII.

We need programmatic assistance available for projects. We need certification methods to certify our elders, and our people knowledgeable in culture and language, so that they can enter the schools and be on the same level as teachers.

We need changes in attitudes. A lot of our schools, school staff, our State, our agencies that we deal with do not have proper attitudes toward bilingual/bicultural education.

We need restoration and rejuvenation of our language. This is a cry across the country of Indian people. We do not want our language to be lost. I do not want to see the culture left out. I want to see bilingual/bicultural.

In closing, we, I guess, as Indian educators have committed ourselves to the bilingual education movement as presented to date. I would like this committee to also go along with that, or take it upon itself to support and respect our endeavors for the benefit and safeguards of our Indian children.

I thank you.

Mr. Blouin. I have a few questions that I would like to ask you. Let me say, just in passing, that the subcommittee has been to reservations in Arizona and New Mexico this past February, the first in a series of field trips that we have taken over the last several months. It was a very eye-opening experience, very educational. We hope to continue that type of field visit work because it teaches you a great deal that you cannot pick up in a Washington hearing room.

Let me ask Mr. John first about the Indian desk at HEW, that you recommended be established. Wouldn't this, to an extent, duplicate what the bilingual office should already be doing?

Mr. John. Are you referring to title VII?

Mr. Blouin. Yes.

Mr. John. An Indian desk, I feel is important, because when you talk about bilingual education concerning native Americans, it should be separated from all other bilingual programs.

If you consider the number of native American tongues in North America, there are over 200 basic languages. We are trying to preserve what we feel is important. It has no monetary value. It cannot get you too many votes. But to us we feel that it deserves and demands a separate handling.

It should be separated from the Spanish-speaking people, the Vietnamese. We feel that the cultural aspect, also, is very important because, I feel, I am the second generation from my tribe that has had an opportunity to be educated in the public school system in New York. When my mother attended school, she was strictly and severely punished for speaking our language. Because of that, she was hesistant to teach me our language. If you can imagine this, and I cannot think of any 16-year-old Seneca, or any younger person that is highly fluent in our native tongue.

We feel that although the melting pot theory is good, and has worked very well in a lot of cases, we would like to be given the opportunity to prove that self-determination can work. We would like to have more liberty, more funding, and more opportunities to help ourselves.

Mr. Blouin. Let me make sure that I understand you. You are saying:

> Don't develop more programs within the structure that is there, but rather strengthen it by separating it for native Americans.

Mr. John. Yes.

Mr. Blouin. Built around a separate program of Indians.

Mr. John. Yes, sir.

The one problem that stems from being a conglomeration of bilingual programs is that we have to compete against too many. If you are from a region like Salamanca, N.Y., our small tribe of 5,000 Indians has to compete against Spanish Harlem in New York City. We have to compete against the more built up population areas.

We have to compete against the numbers. Although we do not have the numbers, we feel that we have just as critical a need. In the 1977 graduating class in Salamanca High School, over 50 percent of the class did not graduate. The Seneca children, I refuse to believe that they are slow learners, or that they cannot understand the subjects that they are being taught. I feel that it is deeper than that. The problems that we have stem from bilingual/bicultural education. If this was dealt with, I feel that they would have more of a chance.

I am not sitting here telling you how dumb we are. I would like to stress that. We want an opportunity to solve our own problems. I think that the national Indian does. The bilingual/bicultural education would be a start. It would be a move in the right direction.

Mr. Blouin. Ms. Lawrence, can you respond to that as well?

Ms. Lawrence. Yes. In effect this is more or less what I was saying. I had not thought about a separate Indian desk, but I do feel definitely that we do need the Indian problems dealt with separately because the statistics are 66 percent of the projects are Mexican-American projects.

Although we have a smaller number, we have just as great a need for Indian projects to be funded. Last year, I think that there were only five programs that were funded. Our statistics show that we are as far behind the blacks as are the Mexican-Americans as far as achievement of our children in completing school.

All of these things show the drastic need for our children to have the benefit of a program like this. So based upon need, I would really like to see this highly separated Indian desk. At least taking the Indians issues separately. Separate amendments for the Indian needs.

Mr. **Blouin.** Would you rather keep it in HEW, or have it at Interior?

Ms. **Lawrence.** The office of HEW has handled things properly. If they would deal directly with the title VII Bilingual Office, probably, I see no problem with HEW handling it because they are meeting some success with the bilingual programs that are in effect now.

They are funding Bureau schools for title VII that are in operation and successfully operating in some cases.

Mr. **Blouin.** Mr. John, do you have an opinion on that?

Mr. **John.** I feel HEW has less of a problem. They are dealing with a lot of tribes right now, and I think that they would have the experience. I would rather see it in HEW myself.

Mr. **Blouin.** You would prefer to see it in HEW?

Mr. **John.** Yes.

Mr. **Blouin.** The second part of your first recommendation, you give the clear impression that you think community input is essential and their involvement in the program, tailored to the approach really wanted by the local Indian tribe or local community.

Am I putting that correctly?

Mr. **John.** Yes, exactly. No one can establish any criteria of needs for any tribe, except the tribe itself. Although this has been done in the past, we are here to make innovations. We are here to bring new ideas. We are here to discuss, maybe, a workable situation.

I think that the tribe itself is the one that knows its own problems. The one thing I feel we are not hitting at, but has to be dealt with is that when you put one tribe against another, like has been mentioned before, if you have a language maintenance program or English as a second language program, how can you measure, how can you gauge the needs of your different tribes.

I think that we are talking two separate issues here also. Instead of putting one tribe against another on a point basis, I feel that there should be some solution worked out where all tribes can have input and can benefit from the bilingual program.

Mr. **Blouin.** It would necessitate, if it is really going to be local, that there be some kind of local control over the program development itself. Is that right?

Mr. **John.** Yes.

Mr. **Blouin.** Ms. Lawrence, how would you respond to that?

Ms. **Lawrence.** I would respond this way, that we have that right now in some cases. Our problem is that people have been scraping money from whatever source in order to do it. For example, on our reservation, the tribe has passed a resolution designating a language center to be established. They have used money from title IV, part B, and some other funding sources. But it is the proper way to do it.

The tribe has designated the language and they are not running into the problem of fighting among themselves for which language will be the tribal language. Now the language development center is working with the schools, the public schools on that reservation along with another boarding school, which is a BIA school, and they are working hand in hand with the tribe on the development of the language, and the orthography.

The children in the school are getting academic assistance with it. I think that this is really the best way. You have the tribe, the community, the schools, and the BIA school all working together for the betterment of the Indian child. That is community input.

Mr. BLOUIN. Where would you have final decisionmaking power rest as to the structure of the program itself?

Ms. LAWRENCE. We deal with that all the time because that is where the contract is.

Mr. BLOUIN. If you had the choice, where would you have it?

Ms. LAWRENCE. The school board, I guess, is the logical entity on that. The school has the responsibility to educate the children, and the parents have the interest of the child. I think that they have to work as one.

Mr. BLOUIN. One last question before I yield to Mr. Quie. What is your reaction to a structure of funding to Indian tribes that would draw all of the special problems together, with the categories still basically there, bilingual, and so on down the line, and give signoff authority to an elected school board of the Indian tribe, to determine the prerequisites for that particular program, and then fund the program for the development of youth, or whatever it might be.

Mr. JOHN. Such as the Johnson-O'Malley?

Mr. BLOUIN. No. There is really no power involved. I am talking about giving them the power to decide whether that public school is going to get the dollars for that program, or whether they are going to pull those monies out, and put them into their own school, the BIA school, or whatever other option they want to choose.

The total direction is what I am talking about, more than the just special funds. I am talking about basic support as well as special funding given to the Indian tribes through their elected school board. The school board elected by the Indians with specific powers. Signoff would be required in order for the public schools to draw those funds.

Ms. LAWRENCE. I would go along with that, because we are doing that right now in some cases. Not with the total funding, like title IV, but we are doing that with Johnson-O'Malley and basic support.

Mr. BLOUIN. There is no requirement there that the parent committee, or that any of those people approve. They have to be consulted, and their opinions have to be put in. But if the school wants it, they can say, "that those are the wishes of the tribal community," and go on with the program as they wish.

Ms. LAWRENCE. I would be in favor of it.

Mr. JOHN. I feel that this is a very good idea as long as you are talking about a case where it would not conflict with an existing Indian school board. Where there is an existing school board, the school board would sign off, it would have the signoff authority?

Mr. BLOUIN. Explain what you mean by school board. Are you talking about the actual school board, or are you talking about the parent committee organized under one part of the Lau?

Mr. JOHN. I am talking about a now functioning school board, an Indian-controlled school board.

Mr. BLOUIN. That now advises?

Mr. JOHN. Would that fall in the criteria?

Mr. BLOUIN. I would think so. There is the possibility that that school board may not be in immediate control.

Mr. JOHN. That is exactly what I am getting at. The coalition that we represent, represents approximately 160 school boards across the country, and we would not like to see policy made out of any legislation creating another school committee, another education committee, because I feel that legislation creates too many as it is.

Mr. BLOUIN. Your organization represents 160 elected school boards?

Mr. JOHN. Not all Indian controlled, but 160 school boards with Indians under them.

Mr. BLOUIN. How many of those school boards are under your control?

Mr. HOLDEN. Either through the Bureau, or actually controlled by local vote getting?

Mr. BLOUIN. How many of those are local LEA's representing a school district drawn up by the State where they elected?

Mr. HOLDEN. Five of those are, and the rest are school cooperative efforts, which have ben granted control. I would like to go into one of the questions that you asked earlier concerning the establishment of a separate desk.

I believe that the philosophy behind 638 would prevail in any setup. But we would hate to see it where the signoff came to a local school board, and have that retrocession clause attached with it. In other words, if you cannot handle the program, you will give up the program. We would like to see the technical assistance as part of that. The tribe's authority, or the delegated body to act on their behalf in the signoff, and to have that technical assistance available to them for linguistics, orthography, professional administrative setup, bookkeeping techniques, and so on.

The spirit of that being drawn from the historical background in 1969, in the Kennedy study, which brings out the four points about the dropout rate, teachers not wanting to teach, the students' academic failure. We feel that these things should be eliminated, but it is something that has to start with administrative communities all the way through, down to evaluation. It would be up to the tribes to feel where they can start, whether it be at the beginning, the middle, or wherever.

Mr. BLOUIN. If I understand what Mr. John was saying, you would like that tribal control only to the extent that it does not interfere with the school board's power.

Mr. HOLDEN. The school board is the delegate of the tribe which the students are coming from. Now, everything is voluntary, and you cannot force anybody to participate in anything.

Mr. BLOUIN. But there are no delegated school boards in existence today, unless they are running contract schools.

Mr. HOLDEN. We are saying that if the tribe determines that a program can be operated within or under the control of a tribal education committee, it should be obvious for the tribe to say that they would run the programs.

Mr. BLOUIN. To some extent, we are talking about the same thing. What we have in mind is to have that school board, that Indian tribal school board elected by the tribal members, giving that school board total signoff authority over Indian attracted funds, basic, special, bilingual, or anything that you can think of, as a condition for those funds to even go into that school in the first place.

As I understand it, you do not quite agree with that. At least, your coalition wouldn't.

Mr. JOHN. I agree with it wholeheartedly in most situations. The Seneca situation, we have at present eight parent committees on various educational programs. I fully agree with it. In other cases, the school boards that are established now, whom we represent, then it would not be.

Mr. BLOUIN. Give me an example, if you will. I am having trouble following it.

Mr. JOHN. All I am saying is, if there is a school board controlling a school at present, if they could fall within your guidelines, that the committee is speaking about, I feel——

Mr. BLOUIN. I cannot think of anything in our proposal that would prohibit any member of that school board, if they fell within the definition of being within that school service area, running for that school board and getting elected to it.

Mr. JOHN. I think that in most cases it would work, but I am thinking about the exception.

Mr. BLOUIN. If you have a school board that is not Indian controlled through the election process because of the population of that given school district and the ethnic makeup of it may not be Indian controlled on a permanent basis, then you are saying that you would limit Indian self-determination at that point?

Mr. JOHN. I don't quite understand that last question.

Mr. BLOUIN. You have five school boards out of the 160 that are 100 percent Indian controlled.

Mr. HOLDEN. They have the majority of the school board makeup, a quorum.

Mr. BLOUIN. They have a majority, but will they always have a majority?

Mr. HOLDEN. They would tend to have that majority because of the makeup of the community which does not lend itself to non-Indians.

Mr. BLOUIN. The populaion of the area is 80 percent Indian, or 70 percent?

Mr. HOLDEN. These LEA's are on reservations, and as the population grows, they tend to stay Indian controlled as far as the population is concerned. There is the possibility that the majority of that school board, even in those five instances, will not be Indian controlled. There is no guarantee that they would always remain Indian controlled.

Mr. BLOUIN. If that possibility is there, and in the vast majority of members of your coalition of Indian-controlled school boards that possibility is a reality, wouldn't it be better if you were to clearly carry out the concepts of self-determination?

Mr. JOHN. I follow you. In our case, we have five different school districts on two reservations, and I feel that this would be the proper answer. If you could work in conjunction with the existing programs, and modify the rules and regulations somewhat, it would be even more workable. It would expedite all of the bureaucracy.

Now we have a lot of problems concerning schools, parent committees, education committees. I feel that this is a very good idea.

Mr. BLOUIN. Thank you.

Do you have any additional comments to that, Ms. Lawrence?

Ms. LAWRENCE. The only problem I would have would be the State role. I would not want the State to say:

> Well, the funding is all going to the tribes and the school boards, so we don't have to provide any assistance.

Mr. BLOUIN. Most of the peripheral public schools that I have seen around the country where there is a heavy Indian population, that school is dependent on those Indian-attracted Federal dollars to supplement the State funds, or it would bo out of business.

What we are trying to do is to find a structure that will force that school system to respond to the needs of the Indians. The Federal dollars would go to that person at the local level as opposed to something that we try to mandate. Bilingual education is a beautiful example of that.

Bilingual education varies from tribe to tribe, whether it should be formalized in the textbooks all the way, or keep it completely out of the schools is something that we do not want to address.

One of the problems that I see in existing law is that it does not take account of those cases. Today, it becomes a uniform program, and even though you are telling us that you do not want us to do things that would interfere with your religious prerogatives, we are still going to teach it, because the Federal law says so.

So we would have self-determination on a local basis, allowing them to, if they wish, set up their own programs. I yield to Mr. Quie.

Mr. QUIE. You have at least 160 school districts that have at least one Indian on the school board.

Mr. HOLDEN. What we are saying is that there are 160 organizations or school boards, or parent groups, but not necessarily all school boards; no.

Mr. QUIE. I see. You have 35 that have an Indian majority.

Mr. HOLDEN. Right.

Mr. QUIE. Here you are talking about school boards?

Mr. HOLDEN. Yes; they are school boards.

Mr. QUIE. Of those 35 are they strictly public school districts, or is the majority Indian controlled?

Mr. HOLDEN. The five are.

Mr. QUIE. Tell me, then, a little bit more about those that are operating?

Mr. HOLDEN. 130 of them have the majority. Some of those are regular public schools. They are mainly school districts where there is a percentage of Indian students enrolled. However, that board membership is not commensurate with that percentage because of the district, town, and so on.

Mr. QUIE. Some, possibly, may have no Indians on the board?

Mr. HOLDEN. They can have a parent committee, and so on.

Mr. QUIE. You were raising the relationship of the State. I would like to check this out with you because it would be my understanding that we would be giving a national signoff authority, meaning that this would be the end of the relationship with the local school district as far as the State is concerned.

It would be my assumption that they would not have the same responsibility toward their citizens whose money has come from the Federal Government, as they would for their own where the money comes from the local parties.

Do you have any problems with that?

Ms. LAWRENCE. No.

Mr. QUIE. Do you want a separate Indian desk within HEW. Do you think that anybody else needs a separate desk for himself in bilingual education?

Mr. JOHN. I can only speak for native Americans. I feel that it would be cutting a lot of problems that we have right now in relation to our bicultural/bilingual program. We are quite handcuffed, at times, when it comes to our efforts in this direction.

If we have one contact point. If every tribe had one contact point, one place where they could go, I think that it would be helpful.

Mr. QUIE. I recognize that, and I would like to get into that after a while.

Do you think that you are unique and different so that you ought to have some token, and the Mexican Americans should have theirs, and the French should have theirs, and all the others smaller groups, as well.

Mr. JOHN. Yes, sir. To answer your question, I think that we are very unique. The Federal Government does not have a Bureau of Chicano Affairs. They do not have a Bureau of Polish Affairs.

We are wards of the Government and I think that they should take their responsibility seriously. We should be guaranteed to live our life in freedom, and part of our freedom is being to learn and teach what we have to offer to ourselves. That is a very basic part of education, and I feel that this is what we are talking about.

Mr. QUIE. I happen to agree with you, but I was hoping to get the answer from you. Otherwise, people are going to want a desk separate for themselves, or something separate for themselves.

Mr. HOLDEN. May I respond to that a little further?

As far as that goes, I think that you have to get back to why their is a Department of the Interior, and why there are Indian programs. I think that it goes back to the legal basis of Indian education as part of what served to harm them. The result has been the dying of the language.

I think that certain steps have to be taken like the Attorney General said, last night, "It is a remedy to a certain situation." It is like saying, "We took it away from you, and now we are giving it back." This is where the restoration comes from.

The traditional educational philosophy cannot take care of that matter, and we should set up some type of program before they can deal with it themselves. The best and easiest avenue would be to have a separate desk, based on the legal obligation of the U.S. Government.

Once the education goes to the desk, they become the agents of the U.S. Government to provide that. Also, I don't think that we are sidestepping anything, or asking for anything that is not justified either historically or legally.

Mr. QUIE. I look at my grandfather, and I don't think that the Federal Government has any responsibility to maintain a Norwegian culture, but when he came here, you folks had been here for thousands of years.

Mr. HOLDEN. We were a sovereign nation, then, and we have limited rights that sovereign nations have, and I think that one of them is education.

Mr. QUIE. Ms. Lawrence, I was intrigued by your testimony, and we are speaking here of bilingual/bicultural, where you make the point of the necessity to deal with education in your testimony.

You say:

> In reservation schools, which I was a part of, I was called a failure. The counselors told me that I sould never go to college, that I should never be able to compete there, that I was too shy and could not speak good English. I was too Indian.

Could you tell us a little more about that? Right now you may be shy, but you are not too shy, and you speak English well. Was there a bilingual/bicultural program to help you out, or how did you find the way?

Ms. LAWRENCE. What I was trying to portray there is the attitude that persists in the schools. We have not always done greatly because we have been Indian. I was always taught in English, and I could not speak my own language in school.

I had the benefit of a very traditional Indian father whom I respect very highly, and he taught me my language and my culture. In turn, I am now trying to give that to my children. Had it not been for him, I might have ended up one of those sad statistics. I might have been a dropout, a suicide, or maybe some other thing.

Some of our children who do not have the benefit of that, I think, could profit from the Indian community and the school, working in a bilingual/biculture program, so that all the children will not have an identity crisis, or some of these problems to go through. They will be happy and fulfilled and have strong self-image, and can achieve, through school and out of school, in whatever area they choose to go into.

Mr. QUIE. What strikes me is the philosophy that has been developing for a number of months now that Indian culture should be taught by Indians themselves. As your father gave you the advantage of being proud to be an Indian, my Norwegian parents gave that to me, but perhaps not as clearly. A lot of the Indians in Mr. Blouin's district seem to be saying it should not be imposed on them, or developed by the public schools because it is tied so closely with their religion. Culture and religion are intertwined, as much as we have tried to divorce culture from religion. For the Indians, it is a part of the religion as well.

When we talk about this, and especially when we talk about restoration, can it be done with anyone other than Indians themselves?

Ms. LAWRENCE. It would be our goal to have Indians do it, and to have teacher training programs, so we would have our young people in the school to do this and in the community. I am aware of this feeling because I have talked with many people who feel this way. Part of it stems back to what was addressed here earlier, the brainwashing period that my parents went through when they were beaten and disciplined in school when they spoke their own language, or did anything Indian.

A lot of our Indian people today feel that they do not want their children to go through this. If they speak their own language, they will be hurt. So they have not taught the children their language, therefore, it is being lost.

I cannot speak for the people who feel that way. They have their rights. Yet today we have young Indian children who are chastizing their elders, and they say: "I don't know enough about my culture. I don't know my language. Why didn't you teach me?"

So it is being lost, and if we could have the benefit of our Indian people in the schools with tribal sanction, I think that the school should enter into it, and incorporate it into the curriculum.

I have had a sad experience with a high school student who committed suicide, and it was not due to a lack of achievement in any way. It was due to frustration with the lack of identity and not knowing the Indian part.

I have had the experience first hand, and I think that this is why we really need the school/community to work in partnership on this. We need to educate all the Indian children, and just doing the job is not enough. We need to work on the other areas as well.

I don't know whether I answered your question fully.

Mr. QUIE. No, not fully. Let me come to it from another direction.

It seems to me, if we go the normal route of establishing a Federal program on the Indian language where it will not be Indians studying your language and trying to restore it, no matter how non-Indians try to keep culture out of it, I don't think they can do that. With the amount of money that will be available, they will have to find out which of those two areas are the most crucial.

This should be done by the people who have that understanding within them. Then, you can have the materials developed. For instance, in Bismark, N. Dak., in the United Tribes School, they develop materials there. That impressed me very much.

This is the way that I can see us helping you to reach that point of maintaining your cultures.

Ms. LAWRENCE. We would have our people doing it. In California, they have what is called an MNS degree, where you have evidence in the field, then you get certified just in that field. I would like to see that happen with our Indian elders because our elders have our culture and our language.

An Indian elder could be certified to teach the language and the culture. I think that the white culture has been taught in the schools for years. I was taught white culture when I went to school, and I had to get my Indian culture at home. I would like to see them both in school.

Mr. QUIE. Thank you.

My feeling is that you ought to have sign-off authority on 874, on those programs doing bilingual/bicultural. With the signoff, you ought to have total authority.

Let me ask you, does the coalition have statistics on the need of bilingual education?

Mr. JOHN. First of all, there are technical assistance centers in our school districts in the seven states, and it is both Chicano and native American. But I would like to ask a question, if that is not improper. Would it be possible to somehow think of some sort of legislation that could address every need. You could earmark certain funds for, let us say, a 3-year period for each tribe to get started. Then let them go on their own after that, as part of self-determination. Part B, title IV, did not fund our programs this year.

Our tribe appropriated money to keep it going, because we feel it is important. But our monies are very limited. I fear that in a year or two, we are not going to have any money, and what is going to happen then? If the program could get started now, and if every tribe has an opportunity to have a successful program worked out whereby they could address their own problems, they could expect funding on such and such a date for however long the funding would be available. Then the other tribes can benefit after.

I do know that title IV this year, certain tribes get three grants out of part B, but our tribe did not get one. I hate to compete against other tribes. I feel that they are important. I cannot draw the line. I know that it is hard for you to draw the line, but I would like to see where we would not have to compete.

I would like, possibly, to go along with your idea about the committee, because I think that it is a very good one. I think that all legislation should go in that direction. If somehow this could be done, I feel that every tribe could progress in this field.

Mr. BLOUIN. Two basic objections I have seen to that approach. No. 1, the politics of it. I don't think the votes are here. No. 2, there is an exceptional amount of Indian population and tribes in the country that equate that kind of self-determination with termination. They feel that there would be one 3-year funding, and that would be the end of it.

Mr. JOHN. We are talking about one specific area, and not the school system itself, or the teachers' salaries.

Mr. BLOUIN. You are speaking strictly bilingual?

Mr. JOHN. Beginning kit, so to speak.

Mr. BLOUIN. We have tried to do the one thing that was acceptable by every tribe, having the mandatory signoff. Saying to the school, either this program in toto is tailored the way we, the elected school board, want it, or we will have the legal right to direct all of those funds to one of the several different options. You will get none of them.

This is opposed to the process you have today of saying, you either do it this way, or we will have to take this way, your way.

Mr. QUIE. What you are saying is perfectly correct regarding inclusion of your language as the second language. The tribes themselves would be involved. We would crank up your ability to handle the situation. For you to maintain your own language as a part of the culture and understanding of your own Indian culture.

Ms. **Lawrence.** I would like to be able to do that. All the tribes should decide what they need. Those that are inclined toward maintenance, or restoration, as opposed to bilingual/bicultural. I think that we need to have that kind of flexibility.

Mr. **John.** I just ask that we start thinking about the little tribes, the forgotten people. I feel, although you are attempting to help us, in our own area, we are not helping ourselves. We are always fighting against each other. If we eliminate that, I think that we would have a successful program.

Back to your question, let me refer you to John Holden.

Mr. **Holden.** We are kind of a crisis oriented organization, to a certain extent. That is to say, a parent group is having trouble with a school district, and they feel that we might be able to help them with some kind of arbitration, to put down in certain terms what they might not be able to. Then we go and meet with the present group, and from those minutes that we keep of each meeting with a particular group, this is where we would obtain our information as to what their needs are as far as the coalition is concerned.

So, yes, there is data available on those needs.

Mr. **Quie.** Could you give us a sense of that?

Mr. **Holden.** There are 160 organizations, our testimony would be twice as big as Gay's.

Mr. **Quie.** Would you digest it for us first, please?

Mr. **Holden.** We will try.

Mr. **Quie.** The last question I have is on your recommendation No. 3. What do you mean when you are talking about "geographical locations around the country?" Would you be talking about 5, 10, or 200?

Mr. **John.** We do not want to get into the area offices, but I think, after the decision is made on what type of programs we will be having, centers should be available. There are programs available throughout the country, like in New York State, a contact area which is Chicano, I believe, where they have materials printed. They work from that.

It would be nice, instead of traveling across the country, in some cases, to be able to go right into your area and work with it.

Mr. **Quie.** You brought it in for New York.

Mr. **John.** We, in Salamanca, N.Y., can travel. So we would be willing to.

Mr. **Quie.** When you decide, what about telling us.

Mr. **John.** There are not too many tribes in the east. Washington, or some centralized area on the east coast would be fine, for the whole eastern schools. But when you go out west, you have broader areas, and travel sometimes is hard from a lot of your remote areas.

You might even need one in every State because of the population, and the number of programs, and the number of participants. Something like that could be worked out, once you decided on what kind of program you are having.

Mr. **Quie.** Where are you from, Mr. Holden?

Mr. **Holden.** I am from Oklahoma.

Mr. **Quie.** Where would you say that it ought to be?

Mr. **Holden.** I have had little input on this. My whole thinking was wrapped around the fact that there are certain geographical areas where the tribes share basic cultural traits. The eastern tribes, the Seminole, and so on, they share certain cultural traits. The southwestern tribes, the ones in Arizona, they share certain traits also, from what I have heard. The ones in the northwest share certain cultural traits, and so on and so forth.

This is what I was coming around to. It might be beneficial economically, and also it might be well that they do a kind of needs assessment, or staffing assessment within those area tribes, to see who has an ideal location for this center.

Mr. Quie. So you still have not decided on the location.

Mr. Holden. In Oklahoma, it probably would be within the southeast, because most of the tribes walked over some 2,000 miles to get to Oklahoma.

Mr. Quie. Let me ask Ms. Lawrence. Since you are in Arizona and are Sioux, knowing the problems between the Navajo and the other tribes, where would you say they ought to handle it?

Ms. Lawrence. What we have right now and which is working, is site material development. For instance, the Hualapi is a small tribe, and they are developing their own materials on site. The only thing that they need the center for, is that they send it over there to be printed.

They develop the material right on site, and they have developed the Hualapi primary dictionary, and it is used by the Indian tribes in the Grand Canyon because they speak the same language.

I would like to see us go to a project for materials development right on site. Rock Point has developed their own program right on site. Of course the Albuquerque office has developed their own material. The Papago is developing their own materials right on site. They have a printing press, and they do it right there.

I think that for the smaller tribes, if they would get the funding, I think that it would be better if they could do it right there.

Mr. Quie. Thank you.

Mr. Blouin. I want to thank all of you for coming.

Mr. Pressler?

Mr. Pressler. The University of South Dakota has a fairly large Indian Studies Institute to help with some training on the language. How can we in Congress better serve our colleges to have programs such as that? Do you have any additional statement to make on that?

Mr. Holden. I have one. There are different fellowships offered to different students, and this gets back to comprehensive education planning in high school, part of the counseling techniques within the school. If you find a number of students who want to go in the bilingual education field, I believe there should be a fellowship available to them to go the baccalaureat stage and on through those graduate studies, if they so desire.

That is a general philosophy that I have in working with K through 12. I would not know the mechanics of how legislation should be drawn, or how it should be addressed. But that is the basic philosophy as far as the center for cross-cultural education is concerned.

Ms. Lawrence. I would say, fund them. Give them some money for teacher training programs.

Mr. Pressler. Maybe you could answer that question. In what form would they be funded?

Ms. LAWRENCE. Let me give you an example. In Northern Arizona University in Flagstaff, right now they have told their staff that they can do extension course work on site on the reservation, so they have professors. This is unique, and they only do it because 15 percent of the title VII money goes for teacher training.

Some of those local sites have asked Northern Arizona State University professors to come and teach courses. So they travel to the isolated reservation areas, and teach an extension, it might be on basic bilingual education to the staff and the aides.

What is happening now is that some of the aides now are picking up credits, which are leading towards a degree. These are community people who live right there, and they are getting their degree. This is the best thing that is happening, and I would like to see more of it.

That these universities be funded for teacher training, or if a person wants to go into linguist training, which is part of the anthropology department, for the university to develop a program to offer extension courses on site for these projects.

Mr. PRESSLER. How would Congress go about, with the present funding programs that we have, in terms of the university professors, doing it? Could this be done through humanities grants; or how could we get the professors to be federally funded, like the State universities?

Ms. LAWRENCE. There have been a lot of part B applications submitted for teacher training. With the reduction in part B money, they have not been able to fund them. I don't know if you could put more money back in there and use that, or establish——

Mr. PRESSLER. It would be a problem, I guess. I guess Webster Two Hawks is the advisor for the Indian Language Studies at the University of South Dakota. I don't know how much that program is able to reach out in extension fashion.

My question is how could this training in Indian language better serve the Indian in the white community than it is presently.

Mr. JOHN. I would like to expound a little bit on that. I feel that by influencing the Indian youth, or the native American youth, with bicultural and bilingual training, and helping our native Americans, it would create a success. You cannot measure that in dollars, or with a yardstick. But I feel that we are trying to make a better tomorrow for our people, and you as well, for your respective representative of your State, or whatever.

I feel that in the long run, once native Americans are brought together again, and are content, it will make everybody just a little bit more at ease. It will help produce better people. It is hard to measure a success story like that.

I would like to refer you to someone as far as the teacher training question, Dr. Carolyn Reese of Mississippi State University. The Choctaw do have a very fine teacher training program, and such a program I have ever seen. The program was started by professors, and they train Indians, the Choctaw, to take their places. Dedicated people like that are around, and they should be funded. I feel that we can use their help.

Mr. PRESSLER. Is there good communication between bilingual programs throughout the education system, and we are talking about the university level, primarily. Are you talking about all levels, are you?

Mr. JOHN. Yes, all levels.

Mr. PRESSLER. I guess there are two Indian language development centers in the United States that are either aiding in the development of Sioux languages, or does anybody know?

Mr. HOLDEN. The material centers, I believe, are for the 12 northwest tribes, and then the one in Albuquerque which only serves the Navajos.

Ms. LAWRENCE. There are some projects that have applied, but have not been funded through the title VII. Humboldt State, for example, and also Arizona State University have applied for a native American materials development center, but they have not been funded.

Mr. PRESSLER. I guess that this question will be for Ms. Lawrence.

You mentioned the materials development; where should the dollars for material development come from, in your opinion, under title IV, title VII, or Johnson-O'Malley funds, special moneys, or other? Maybe you don't even have an opinion.

Ms. LAWRENCE. They should come from title VII, and they have a category for that. It is that the money has gone predominantly to Mexican-American projects. Yet the Spanish language, to American Indians, is a majority language. It is spoken all over the world. There is ample Spanish material.

What we need are centers for Indian materials.

Mr. PRESSLER. Thank you very much.

Thank you, Mr. Chairman.

Mr. BLOUIN. Thank you, Mr. Pressler. I also thank the witnesses. We appreciate your patience and your interest in the subject.

Our next witness is Dr. Lloyd Henderson, Director, Elementary and Secondary Education Division, Office for Civil Rights.

If I might, before you start. During our recent visit to Alaska in August, we listened to and observed the problems of the implementation of bilingual programs in the State of Alaska. At that time, we became aware of the compliance problems now occurring and the role that OCR has had in it.

We are fully aware that the proceedings are still occurring and we do not intend to question you on matters pertaining to the current Alaskan matter. However, we would hope that we could have you folks back pending a final decision. The problem did pose many questions in our minds concerning the bilingual concept and native Americans.

Up to this point, the major emphasis of bilingual seemed to be toward Spanish-speaking people. Because the Indians are different in terms of their culture, tradition, and religion, it is our feeling that we should request the presence of OCR as educators in order to help the committee write bilingual education legislation, and perhaps to educate OCR to an extent on the uniqueness of the Indian.

We do not mean to imply that HEW or OCR do not recognize the difference and distinction, but it does seem, at least from our vantage point, that there are problems occurring currently within the Office of Bilingual Education in recognizing these differences.

For these reasons, we would hope that OCR could inform us as to how they perceive Indian bilingual programs as they relate to present HEW policy, as dictated by the Lau guidelines or the Lau remedies.

If you could proceed with your statement. It might be important for you to read the entire statement, or summarize it, as best you feel. It will be included in the record in its entirety.

STATEMENT OF LLOYD HENDERSON, DIRECTOR, ELEMENTARY AND SECONDARY EDUCATION DIVISION, OFFICE OF CIVIL RIGHTS

Mr. HENDERSON. Thank you for the opportunity to have us up here. If I may, I will just summarize the statement briefly.

[The prepared statement of Lloyd Henderson follows:]

Statement of

Lloyd R. Henderson
Director
Elementary and Secondary Education Division
Office for Civil Rights

Elementary-Secondary
and Vocational Education Subcommittee
Committee on Education and Labor
House of Representatives

September 20, 1977

Mr. Chairman and members of the Subcommittee.

We appreciate the opportunity to participate in the hearings which the Subcommittee is conducting in conjunction with the Advisory Study Group on Indian Education. The Subcommittee has asked us to discuss civil rights compliance standards and procedures effecting national origin group minority students in the area of elementary and secondary education.

As you know, the Office for Civil Rights is responsible for enforcing a number of statutory nondiscrimination provisions, including Title VI of the Civil Rights Act of 1964, which prohibits discrimination on the basis of race, color, or national origin in federally assisted programs and activities. Since 1969, the Office has been involved in the process of developing, articulating, and applying Title VI nondiscrimination standards with respect to school districts enrolling national origin group minority children. To implement these standards, the Office investigates complaints of discrimination, conducts compliance reviews, presents findings of compliance or noncompliance, and reviews the acceptability of proposed plans to correct any discrimination that has been found to exist.

I think it would be helpful at the outset to review the sequence of events and legal precedents which have shaped our approach in enforcing Title VI with respect to the obligation of school districts to rectify the discriminatory effects of language barriers.

As I have indicated, Title VI precludes the Department from providing financial assistance to programs and activities, including those of school systems, which are operated on a discriminatory basis. To implement Title VI, regulations were promulgated (45 CFR Part 80). In Section 80.3 of the regulations, specific discriminatory actions are prohibited. For instance, under Section 80.3(b)(2), a recipient of Federal funds may not:

> "... utilize criteria or methods of administration which have the effect of subjecting individuals to discrimination because of their race, color, or national origin, or have the effect of defeating or substantially impairing accomplishment of the objectives of the program as respect individuals of a particular race, color or national origin."

In 1969, the Office for Civil Rights began to review civil rights complaints and educational studies addressing the question of discrimination against national origin minority group children. The literature included reports issued by the U.S. Commission on Civil Rights, which concluded that Spanish-speaking students were, as a group, being excluded from effective participation in the education programs of many school districts where these students constituted a significant proportion of the school enrollment.

Based on this assessment, the Office developed a departmental policy to protect the right of national origin group students to an equal educational opportunity. The policy statement was sent in the form of a memorandum on May 25, 1970, to all school district enrolling more than five percent national origin group children.[1] The standards set forth in the memorandum remain at the core of our approach in enforcing Title VI:

(1) Where inability to speak and understand the English language excludes national origin minority group children from effective participation in the educational program offered by a school district, the district must take affirmative steps to open its instructional program to these students.

(2) School districts must not assign national origin minority group students to classes for the mentally retarded on the basis of criteria which essentially measure or evaluate English language skills; nor may school districts deny national origin minority group children access to college preparatory courses on such a basis.

(3) Any ability grouping or tracking system employed by the school system to deal with the special language skill needs of national origin minority group children must be designed to meet such language skill needs as soon as possible and must not operate as an educational dead-end or permanent track.

(4) School districts have the responsibility to notify adequately national origin minority group parents of school activities which are called to the attention of other parents. Such notice, in order to be adequate, may have to be provided in a language other than English.

1/ 35 Federal Register 11595

After this policy statement was issued, the Office began the process of developing and articulating specific standards, such as the acceptable means of assessing English language proficiency and the nature of corrective action which would be required to overcome the effects of language barriers. The compliance review activity undertaken to enforce the May 25, 1970 memorandum has focused on the first of the four principles set forth.

Generally, to determine whether a school district is required to take steps to rectify the English language deficiences of students, it is necessary to evaluate whether ethnic minority students enter the school with different linguistic backgrounds which directly affect their ability to speak and understand the English language which, in turn, excludes them from effective participation in the educational program on a basis related to English language skills.

On January 21, 1974, the Supreme Court upheld the requirements of the May 25, 1970, Memorandum in the case of Lau v. Nichols.2/ The failure of the San Francisco Unified School District to provide special assistance to a group of non-English speaking students, the Court held, denied them a meaningful opportunity to participate in the public educational program and thus violated Section 601 of the Civil Rights Act of 1964 and the Department's implementing regulations.3/ The Court held that under the standards imposed by the California Education Code:

2/ 414 U.S. 563 (1974)

3/ 45 CFR Part 80. The Court cited portions of Section 80.3(b)(1), Section 80.5(b)

> ... there is no equality of treatment merely by providing students with the same facilities, textbooks, teachers, and curriculum; for students who do not understand English are effectively foreclosed from any meaningful education.

The Congress took note of the Court's decision in the Equal Education Opportunity Act of 1974 by declaring that, in order to provide an equal educational opportunity, a local educational agency must take appropriate action to overcome language barriers that impede equal participation by its students in its instructional programs.4/

In the Memorandum, the Office for Civil Rights requested school districts to examine their educational programs in light of the requirements set forth and, if applicable, to advise the Office of the measures which are being taken to correct any compliance problems. No districts contacted us. However, an analysis of data collected in the Fall 1972 elementary and secondary school survey revealed that many school districts enrolled a substantial number of pupils whose primary or home language was not English, and that no more than ten percent of these students were receiving special assistance.

As a result of this analysis and the Supreme Court's decision in Lau v. Nichols, the Office decided that a more comprehensive and effective effort would be required to ensure that school districts were complying with Title VI.

4/ 20 U.S.C. 1703

Accordingly, on January 17, 1975, several Chief State School Officers were requested to assist us in securing additional information from 334 school districts identified in the analysis. A special survey form was developed in which the districts were asked to identify the number of students whose primary or home language was not English and to provide other data such as the language capacity of these students in each language, the number of teachers providing special language instruction and the number of students receiving such instruction, the types of instructional materials and curricula provided to these students, and the nature of any tests used for student placement, screening, or program evaluation.5/

The process of evaluating the survey data, conducting reviews, presenting findings and, when appropriate, evaluating the acceptability of corrective plans, has been interrupted at times because of competing demands on our staff resources. Nevertheless, we are making progress. Returns from 275 of the districts have been analyzed, and determinations of compliance or noncompliance have been made in 222 cases. 151 districts have submitted corrective plans, and 126 plans have been accepted.

The comparable requirements of the Emergency School Aid Act (ESAA) have also had a significant impact. The Office for Civil Rights is responsible for assuring that school districts applying for Emergency School Aid Act funds meet the civil rights requirements of the statute and implementing regulations.6/ Based on the mandate of the statute, Section 185.43(d)

5/ Compliance Report on Instructional Services for Students Whose Primary or Home Language is Other Than English (HEW Form OS 53-74).

6/ 45 C.F.R. Part 185

of the regulations provides that a school district is ineligible for assistance if it has had or maintained in effect any practice, policy, or procedure which results or has resulted in discrimination against children on the basis of race, color, or national origin, including:

> (2) Denying equality of educational opportunity or otherwise discriminating against national origin minority children on the basis of language or cultural background.

Therefore, it has been our policy, in reviewing applications, to determine whether school districts enroll students with English language deficiencies and, if so, whether these students are receiving an equal educational opportunity. In Fiscal Year 1976, of the 116 school districts which were found to be ineligible for ESAA funds because of violations of the civil rights-related requirements, 29 of the school districts did not meet the nondiscrimination standards applicable to the treatment of national origin group students with language barriers. These districts were, of course, entitled to request a waiver of ineligibility on the basis of a plan designed to correct the violations.

As I mentioned earlier, the Office negotiates corrective Title VI plans and is responsible for accepting or rejecting them.

In order for OCR to be able to review "_Lau_" plans and render a decision in terms of their acceptability, we developed a set of internal "guidelines" to be used by our investigators for this purpose. These guidelines are formally entitled "Task Force Findings Specifying Remedies Available for "Eliminating Past Educational Practices Ruled Unlawful under _Lau_ v. _Nichols_" commonly referred to as the "Lau Remedies." The **word** "Remedies" here is of crucial import for several reasons.

First, in order for the "Lau Remedies" to be applicable to school districts being investigated by OCR under Lau, OCR must first establish that there are Title VI violations (discriminatory practices). In other words, while all school districts receiving Federal monies serving students of limited English-speaking ability must comply with the Memorandum of May 25, 1970, only districts which do not meet the requirements of that Memorandum must comply with the "Lau Remedies" or devise an alternative educational plan which is equally effective. In many instances, this occurs because school districts admit that their language remediative programs have not succeeded in allowing limited English-speaking ability students to benefit from other required subject-matter instruction in the curriculum. In other cases, OCR has demonstrated such a failure after investigation of the program. In every case, OCR must demonstrate noncompliance with the May 25, 1970 Memorandum before the "Lau Remedies" have any application.

Second, in preparing the "Remedies" document, OCR was concerned with the cumulative effect of the discriminatory practices against students of limited English-speaking ability. For example, some school districts had discriminated against national origin minority children with English language deficiencies for as many as five years after issuance of the May 25, 170 Memorandum.

Third, we also felt that OCR in enforcing the Lau decision, had an obligation to provide some assistance often requested by school systems, enabling recipients to develop appropriate and responsive educational programs to eliminate the Title VI violations.

The OCR task force employed to develop the "Lau Remedies" was composed of members with expertise in a variety of relevant academic disciplines. In addition, many of these experts were members of the language minority groups to be affected by OCR enforcement of Lau.

The "Lau Remedies" as written, represent what all members of the task force felt was a minimally acceptable strategy to remediate and/or eliminate the effects of the aforementioned discriminatory practices, based upon the available knowledge and research at the time. If a noncomplying school district elects to submit a "Lau" plan which significantly deviates from the "Lau Remedies", it is then incumbent upon that district to demonstrate that the proposed educational plan will be at least as effective as the types of acceptable educational approaches outlined in the "Lau Remedies."

OCR, prior to a finding of noncompliance under Lau, accepts any type of educational approach which deals with rectifying the English language deficiency, as long as there is no adverse affect on the cognitive subject areas required by the school district in question, resulting from the type of language program provided to these students.

For instance, if a school district being investigated by OCR under Lau provides solely English-as-a-second language (ESL) or any similar program taught in English, by teachers or aides who can only speak English to students who can speak no English, and these students are somehow not kept from progressing in required subject areas (math, science) because of their limited English-speaking ability, there exists no violation. However, if a school system employs a program using only the English language to address the language problems and the students in question show educational deficit in required subject areas as result of the program designed to address the language problems, it is violation of Title VI, because this type of program does not work to open the educational program to these students, but serves to further retard them from obtaining that which is required of all students. Such a district would be prohibited from continuing this ineffective approach under the "Lau Remedies" at certain grade levels. ESL is usually acceptable at the secondary level under the "Lau Remedies" because most systems require English proficiency and several year's course work in English as prerequisites for graduation.

The "Lau Remedies" have been utilized by our staff and by school districts in developing acceptable plans. It has been our position that a plan submitted by a school district which is consistent with the strategies outlined in the "Lau Remedies" is adequate to meet the requirements of Title VI. It has also been our position that the approaches recommended in the "Lau Remedies" should not be deemed exhaustive or exclusive. School districts are entitled to design and submit proposals which vary from the "Lau Remedies". In such cases, the school officials must demonstrate that thier proposals will be equally effective in ensuring equal opportunity.

I will be glad to answer any questions you may have.

Thank you.

Mr. HENDERSON. Based upon experience that we have gained in investigating the school systems, the Office for Civil Rights in May of 1970 issued a policy statement essentially putting school systems on notice that they should deliver educational services to children in the language they understand best.

This policy statement was upheld in 1974 by the Supreme Court, in the case of *Lau* v. *Nichols*. Following that decision, the Office of Civil Rights identified some 334 school systems throughout the country that had substantial numbers of national origin/minority children and they also included some 70,000 native American students.

We gathered information on the language spoken by the children in their home, the method the school system used to determine the language the students could best learn in, and then the services the school system was providing to them. At the same time, we brought together a task force of bilingual experts to develop remedies the school systems could implement if they were found in noncompliance with title VI of the Civil Rights Act of 1964.

Under these remedies, or since these remedies were adopted, we have conducted negotiations with a number of school systems which involve native American students, some of which are Flagstaff, Ariz.; Klamoch Trinity in Calif.; Tuba City, Calif.

The delivery of services to native American students is also a part of the investigation we are currently conducting in the Chicago Public School System.

This is a summary of our statement, Mr. Chairman. I will be happy to answer any question that you might have.

Mr. BLOUIN. Let me ask you one question, to begin with, Dr. Henderson.

As I understand it, when OCR finds a district in noncompliance, they direct that district to take affirmative steps to rectify the deficiencies. Do you allow any use of Federal funds for that rectifying process; or must they first come into compliance before Federal funds are reinstated?

Mr. HENDERSON. When we conduct an investigation, at the end of the investigation, we notify the school system of any problems of compliance. At that stage of the proceedings, there is no threat to the loss of any funds. They are still getting all the Federal funds.

It is not until we are unable to get compliance that we start the proceeding to terminate funds, and that there may be a loss of anything. As long as we are still negotiating with the school system for voluntary compliance, the school system is getting all of its Federal funds, and it can use those funds in developing a remedy.

Mr. BLOUIN. How would the OCR honor a request that there be no bilingual education in that school? The Hopi, for example, where they have a strong belief, which was communicated to us in our visit there last February, that their language is something to be learned in the home, and not at school. They equate their language with culture, and their culture with religion, and they did not want Anglos to be teaching their religion.

Mr. HENDERSON. Our jurisdiction would only apply if the students were going to a public school.

Mr. BLOUIN. There are situations where you would have public schools with a substantial percentage of Indians. They have the same basic reservation about equating bilingual with religion and culture. So there is one example.

Mr. **Henderson.** It is our view that title VII requires the school system to identify the language the students are best able to learn their cognitive skills in. If that language is other than English, I believe the school system is legally obligated to teach those cognitive skills in the language the student understands, while they are also teaching the student to obtain the knowledge in the English language.

Mr. **Blouin.** Even if it might, in the eyes of those students involved, become a freedom of religion question? Would it still be required that they be taught in their native language?

Mr. **Henderson.** We do believe that a parent has the right to make an informed decision that the student, their child or children should not participate in that program. So if the parents of those students did not believe that their children should be taught in the given language, the parents do have that right.

Mr. **Blouin.** Would that have to be an individual, formal request on the part of the individual student's parent? Let me stop you before you answer that.

Mr. **Henderson.** I must say that we have not faced that situation, so I am not really sure. It would seem to me that we would have to face it on a case by case basis. It would seem to me that this is certainly a personal mater that would have to be a request of each parent. But I could not be definitive on that.

Mr. **Blouin.** When you get into an Indian setting, whether you have a public school, or a boarding school on a reservation, anywhere from a small number to a large number of Indians from a given tribe, whether they are living on or off the reservation, there is a general acceptance of the fact that those Indians live under the constitutional governing powers of that tribal council, a right that is given to them by treaty with the United States Government.

In some instances, in most instances, those kinds of decisions will probably revert to a decision or an action taken either by that tribal council or their designated authoritative body, an elected parent committee, or an appointed parent committee, or something of this nature.

So that as far as the constitutional powers of that Indian nation, and our accepted treaty relationship federally with that Indian nation, that governmental unit does speak legally for those Indian parents on that reservation.

In that instance, would you still require individual parent-by-parent formal request?

Mr. **Henderson.** I will have Mr. Hagen of our office of general council answer that question, but we have not faced it. So, I don't really know.

Mr. **Hagen.** You pose a very complicated question. My guess would be that we would have to address it on an individual basis. I don't believe that it has been raised before, but it is certainly something that the office would look into in that situation.

Mr. **Blouin.** Would it be proper for us to request that we get an answer at some point?

Mr. **Henderson.** I would think so, yes.

Mr. **Blouin.** We will be happy to keep the record open on that question, pending an answer.

It is not by any means a narrow, farfetched kind of a question. It is one, I think, which goes to the heart of the treaty relationships and tribal powers, and so on. The uniqueness of the Indian setting. To a great extent, it may well enter into this whole question of Alaska, which we are not going to get into at this point.

Did I understand you correctly in your statement that this is strictly a public area, that you do not feel that the Lau remedy applied to BIA schools?

Mr. HENDERSON. The Office of Civil Rights has no jurisdiction over BIA schools.

Mr. BLOUIN. In terms of remedies, it would not apply?

Mr. HENDERSON. It seems to me that it is for the BIA to determine.

Mr. BLOUIN. What about contract schools; as we understand the law, it says that any agencies receiving Federal funds must not discriminate.

Mr. HENDERSON. That is right. But we do not have jurisdiction over other Federal agencies.

Mr. BLOUIN. I understand that. So it would be extremely difficult for you to interpret another agency's rules through the Supreme Court decision.

Mr. HENDERSON. Yes.

Mr. BLOUIN. For purposes of compliance, does your office see any relationship between the state and the BIA school?

Mr. HENDERSON. I am sorry, but I don't understand.

Mr. BLOUIN. For instance, could a state public education system be found in noncompliance if a BIA program or school which was an accredited school under the State definition had no bilingual program?

Mr. HENDERSON. Again we are getting into a jurisdictional question that I am really not equipped to discuss. We deal almost exclusively with LEA's in our noncompliance work, and not States.

Mr. BLOUIN. OK.

You draw a clear distinction in your mind, then, between areas that would comply or not comply, depending on whether they are within a public school setting?

Mr. HENDERSON. Yes, sir.

Mr. BLOUIN. There are a couple of situations, if I remember right, around the country where you have—more than a couple—where you have a State public school with a BIA boarding facility adjoining it. In some of those situations, again if memory serves me, the bicultural/bilingual program goes on through the boarding school, through the boarding facility, but not in the boarding school.

How would you approach a situation like that, where there is basically a cooperative arrangement?

Mr. HENDERSON. Again, it is a jurisdictional question, who receives the Federal funds. I can think, and this is pulling something out of my memory, to the best of my recollection there was a BIA boarding facility/dormitory in Winslow, and the students attended the public school in Winslow.

In our negotiations with Winslow, we required them to identify the language the students spoke and then deliver appropriate services based on that language. I am afraid that I just don't know about the dormitories.

Mr. Blouin. Are your guidelines sufficiently clear enough to where research could be able to give you an answer?

Mr. Henderson. Yes, sir, we could.

Mr. Blouin. Would it be better for you to put them in writing?

Mr. Henderson. Yes, sir, it would.

Mr. Blouin. Let me ask you, were you in the room during the earlier panel?

Mr. Henderson. Yes, sir.

Mr. Blouin. I am not sure if you got the gist of what we have been talking about in terms of funding and self-determination powers for Indian tribes, giving them sign-off authority on federally attracted Indian education dollars, whether it is basic support, special education. This would include a complete package of bilingual programs.

Basically, it is giving that local Indian tribal unit's elected school board, elected strictly by the Indians served by that unit, the right to basically insist on any certain type of program, provided it met the accreditation requirements of that State, or move those funds to another educational system of their own choosing.

Obviously, in certain situations, where you have the Hopi religious setting, it would be very probable that that local school board, as a condition for sign-off, might insist that there not be a bilingual program, per se. How would Lau apply there? Would we really run into a coordination problem, or would the rest of the State comply?

Mr. Henderson. It comes back to the question that we discussed earlier, whether the tribal council can opt out for the children, or whether it has to be on an individual basis. If the tribal council can do that, then I don't see any real problem with title VI.

Mr. Blouin. The only reason I raised that, a few minutes ago, I thought I understood you to say that you would probably require individual parental sign-off of exemption requests to you as the only way out for a public school system.

I was trying to explain a situation where there would be no individual matters. The flow of dollars to that school would be conditioned upon the tailoring of a program acceptable to that Indian tribe's representative body, the elected school board from that service area.

In that certain situation, they more than likely would refuse to allow bilingual programs, or they might want one that would not be the kind that Washington would want them to have, that HEW would want them to have.

Now as I have read the *Lau* remedies as they are being applied, that whole State would stand the risk of being in noncompliance.

Mr. Henderson. After I stated that individual parents would have to choose not to have the children participate, you raised the legal authority of the tribal council, and that was one of the questions that we were going to address, whether the tribal council would be permitted to make that decision for individual parents.

If they have that authority, then I don't see any title VI difficulties, if that elected committee choose not to have bilingual programs.

Mr. Blouin. You are falling back on Federal law. You are saying that the Federal law would clear, and then you would not have any problems. If the Federal would give them the authority, then you would not have problems.

Mr. Henderson. Yes, sir.

Mr. **Blouin.** Is *Lau* adequate for the kinds of Indian educational situations that we are talking about here today?

Mr. **Henderson.** In my judgment, no, it is not. It is not necessarily *Lau*, it is title VI, it seems to me, that causes the difficulty. I see the desire among native Americans, and many other groups, for a bilingual/bicultural maintenance program. If that sort of program is required with one group of students, and not required with another group of students in the same school system, that creates a title VI problem.

So that extent, the desire to maintain and develop the language, I think, that this is a serious difficulty.

Mr. **Blouin.** It may be a difficultly, but it is not necessarily.

Mr. **Henderson.** I think that it is illegal. It violates title VI.

Mr. **Blouin.** Let us get back to some examples, because in the southwest you may well find a proportion of Spanish-speaking population in the public schools, where there is also a proportional Indian representation. The Indian tribe would opt not to have it, and the Spanish people would opt to have it. You would have a situation there, which in your opinion would lead to a legal question.

Mr. **Henderson.** Not if the parents of those who have the legal right to determine, "we do not want to have our children participate." Again, it comes back to that. But we do not believe that a school system can require one group of children to learn two languages, for example, two cultures. To require another group of students, Anglos, in that school system to learn only English and an Anglo culture. We believe that this does violate title VI.

Mr. **Blouin.** It violates it unless it is the wish of those who are not receiving that bilingual/bicultural program.

Mr. **Henderson.** That is correct.

Mr. **Blouin.** Do you think that it is fair to say that since the *Lau* remedies, as you have described them, are probably inadequate for the kinds of Indian educational programs we are talking about, that it may well take a rethinking and eventually a rewriting of those remedies as they pertain to Indian education?

Mr. **Henderson.** I don't see any difficulty with the remedies. There was some Indian participation in the task force that wrote those remedies. I do not see anything in the remedies that conflict with what the subcommittee has been discussing, or what I have heard the previous witnesses discuss.

Mr. **Blouin.** I think that I have covered most of my questions. I would like to request that as we start working our way through legislative solutions to many of these problems, we would like to get OCR's input to make sure that we do not run into the kind of *Lau* situation that exists in some areas.

Mr. **Henderson.** We will be very happy to help in any way we can.

Mr. **Blouin.** Mr. Cross?

Mr. **Cross.** Thank you, Mr. Chairman.

Let me go through the *Lau*. When you are talking about getting action to get the school districts to respond based on a survey to determine the language needs. One of the two criteria is the home life. Is that correct?

Mr. **Henderson.** Yes.

Mr. **Cross.** What if you have a situation where there might be grandparents in a home, and for the sake of communication with the grandparents, who may not speak English, the language spoken in the home is Navajo. However, the child is as proficient in English as would be expected at that age. Would that child be counted in the number of children needing a program and, therefore the district would be forced to have to design a program for that child, because the home language is not English?

Mr. **Henderson.** I don't understand what you mean by "a mark against the child." The school system is only obligated to determine what language does that child learn best in. One of the considerations they have to make, once they are not in compliance, is what language is spoken in the child's home. Ultimately, they have to determine what language the child learns best in.

Mr. **Cross.** But if you move against the district, is it partly on the basis of the language that is spoken at home?

Mr. **Henderson.** That is one of the things they must look at. In part, it is to know what language do they send PTA notices in, so the parents will know what is going on in the school system.

Mr. **Cross.** So in this situation, the question is, Is English spoken at home? Is this not prima facie evidence that there is not a proper program being offered in the school district for the children?

Mr. **Henderson.** No.

Mr. **Cross.** Then what is it?

Mr. **Henderson.** It is to determine in what language the parents should be notified. It is one of the steps that should be looked at in determining what language does the child understand.

Mr. **Cross.** But it is also used by you in determining which districts to go in and investigate further?

Mr. **Henderson.** Yes.

Mr. **Cross.** That was my question.

OCR has recently announced a new work plan in connection with your handling of various law suits and how you are going to proceed. Correct me if I am wrong, but I understand from the reports I have seen that under this NRW work plan you will only investigate 10 percent of the individual complaints lodged with the Department.

Mr. **Henderson.** We are proposing for this coming fiscal year that: (1) We will file a motion to consolidate all the lawsuits against HEW. What we are proposing is to devote approximately 55 percent of our investigative time to the investigation of complaints of individuals or groups, and 45 percent of our time on investigations that we initiate on our own motion, based on information that we have in our files.

Mr. **Cross.** I have seen that interpreted in a different way. Of the complaints that you receive in the year, only 10 percent of them can be investigated with the manpower that the office has available.

Mr. **Henderson.** It is our hope that we can be rid of our backlog within about 2 years. It is a huge backlog.

Mr. **Cross.** Do you have a summary of that agreement with the court, that you could enter for the record?

Mr. **Henderson.** We could enter the court order that we negotiated with the plaintiffs.

Mr. **Cross.** I suspect that it is rather lengthy?

Mr. **Henderson**. It is approximately 15 pages long, but we could summarize it, if you wish. That is not what I just spoke about. What I was just speaking about now was our proposal to the court, that is a separate document. Is it the court order that you are interested in now?

Mr. **Cross**. Both, I think, from your description.

The task force that developed the *Lau* remedies, what was the membership, how large was it?

Mr. **Henderson**. Let me ask Mr. Rodriguez to discuss that with you. He was the one principally responsible for developing it.

Mr. **Rodriguez**. There were about 15 members, and we had a representative group.

Mr. **Cross**. How many Indians?

Mr. **Rodriguez**. Bill Demmert of the Education Division of the Bureau of Indian Affairs, and Lorraine, a Yakima Indian.

Mr. **Cross**. Those individuals actually participated in the design of those remedies?

Mr. **Rodriguez**. Yes.

Mr. **Cross**. Do we have a copy of the *Lau* remedies for the record?

Mr. **Henderson**. I do not know.

Mr. **Cross**. Could you supply it for us, please?

Mr. **Henderson**. Yes.

Mr. **Cross**. Your statement makes the same point that an LEA does not have to do what the *Lau* remedies tell them to do, if you can prove that what you want to do is as effective as the *Lau* remedies.

My question is, what measure do you use to determine effectiveness?

Mr. **Rodriguez**. When we say, effectiveness, we are talking in terms of efficiency as opposed to effectiveness, that means, in the delivery of services. If they can show that there was some way, for instance, if they require math or science, and if a child does not speak English, and he/she is taught math and science in English, and the student only speaks Czech, the district will have to show to us that what they are proposing to do would do the job that would normally be required of a school district to remediate the past effects of discrimination against these children who do not speak English.

Mr. **Cross**. But your document says, effective in insuring equal opportunity.

Mr. **Rodriguez**. It would be difficult to say efficiency also.

Mr. **Cross**. When you say, effectiveness, you raise questions about measurements.

Mr. **Rodriguez**. In essence, we mean that if they could show us through an instrument that they had a comparability scale on the MAT, for instance, or whatever method, was equally effective and——

Mr. **Cross**. It would assume that you would have those coefficients with respect to the *Lau* remedies.

Mr. **Rodriguez**. Whatever the LEA proposes to be as effective, our experts would have to say that what they were doing was at least as effective, be it through instruments or otherwise.

In some districts we have seen programs termed ESL which were not really ESL. They would be basically taught nonverbally.

Mr. **Cross**. You mean that you are going to ask somebody to cut on whether or not those types of programs are effective and you do not have the measure of the effectiveness of the remedies?

Mr. **Rodriguez**. We have to evaluate on an individual basis.

Mr. **Cross**. It becomes a very subjective judgment.

Mr. **Rodriguez**. With our experts, yes. With the people on the task force——

Mr. **Cross**. Those people are still there and still advising OCR?

Mr. **Rodriguez**. They are used, if we need them for a case. Yes.

Mr. **Cross**. Let us take a situation like the Alaska one. Are you going back to those people and asking members of the task force to judge on the procedures that you followed there?

Mr. **Rodriguez**. I am not familiar with the Alaska case. Someone else on the staff worked on that.

Mr. **Cross**. Let us take another one. You mentioned Flagstaff, Ariz.

Mr. **Rodriguez**. That was negotiated by our San Francisco office. We just finished negotiating one with New York City.

Mr. **Cross**. In New York City, did the task force members play a role in judging whether the remedy to the *Lau* complaint was effective?

Mr. **Rodriguez**. They proposed something that was at least as effective in terms of identifying the students for service. They were assessing their native language and English ability through the language assessment battery. In addition they said that this instrument would also predict the student's academic success in subject matters although it is an English test.

What we said was, "Fine. If that is so, give us some predictive and concurrent validity coefficients with our instruments, achievement instruments, and if the coefficients come out high so that the language assistance battery correlates significantly with an achieving instruments," then we would be hard pressed to say that the child at *x* level on the LAB cannot participate effectively in the regular school setting.

This is an example of where they proposed something that deviated. This is the way that we handled it.

Mr. **Cross**. I think in your statement you indicate the number of districts that you have gone into on *Lau* complaints. What is the number?

Mr. **Henderson**. Three hundred and thirty four.

Mr. **Cross**. Could you tell us, by language area, what the breakdown is?

Mr. **Henderson**. We would have to search through our files.

Mr. **Rodriguez**. It was over 92 in Chicago alone.

Mr. **Cross**. I am sorry. Let me back off and put it a different way. I can see the problem you are getting at.

How many involved Indians as a major component?

Mr. **Henderson**. There were some 70,000 students in toto in all of the districts. I do not think that we have a count district by district of how many were involved.

Mr. **Cross**. In a city like Chicago, you might have 3 dozen Indians, or 200.

How many districts have you gone into primarily because of discrimination complaints against Native Americans?

Mr. **Rodriguez**. While enforcing *Lau*, we have had districts that are only Indian. I would have to find them for you.

Mr. **Henderson**. Most of the complaints involved children that were other than Indian.

Mr. Cross. Could you supply that for the record?

Mr. Henderson. Yes.

Mr. Cross. One final question. One of the concerns is going in on those investigations, you are sensitive to the differences between the other kinds of situations, like New York, for instance, and the differences in a place like Flagstaff or Alaska.

If you could respond to that. It is more of a rhetorical question than it is anything else.

Let me ask now, all of those 300 and some odd districts, when did you start going in them, in 1970? Did you start in 1974?

Mr. Henderson. In 1974, and we did it on a strict district by district basis.

Mr. Cross. Does your work review plans for the next year give you specific indication of how many *Lau* cases there are?

Mr. Henderson. Yes, sir, it does.

Mr. Cross. Do you remember, offhand, what that number might be?

Mr. Henderson. No, I don't. I am sorry.

Mr. Cross. If you could submit that for the record, we would appreciate it.

Can you give us some idea of the time table? Let us say you have found whatever State out of compliance on the basis of a survey, how long is the negotiation process, after you recognize that there may be some stalling tactics and all of it.

Given your best experience, what is your story, or experience with the length of time that the negotiations go on?

Mr. Henderson. I am not sure I can generalize. First I do want to say that a district is not found out of compliance on the basis of a survey. The negotiations themselves are not that difficult. The development of the actual plan is what takes a great deal of time, and the availability of experts to help school districts develop plans. That is what is extremely time consuming, and to develop an instrument to identify the language of the children. Then, to develop a program that would best serve the kids.

About all we can do in the initial investigation is to get a commitment that such a plan will be developed by the specified date.

Mr. Cross. Does this have to take 8 or 9 months, or a year?

Mr. Henderson. For example, in New York, we have a very short document that we negotiated with them, it is about six to eight pages. Yet the actual or the final decision will not be made until a year from now, after some additional work is conducted.

Mr. Cross. I understand that OCR cannot provide technical assistance for the district to come into compliance.

Mr. Henderson. The office of education has funded a number of law centers around the country to provide technical assistance.

Mr. Cross. Do you then attempt to put people together with those centers?

Mr. Henderson. Yes, sir.

Mr. Cross. Thank you.

Mr. Forkenbrock. In how many of the noncompliance cases that you dealt with have these centers provided assistance to the State or district that have been found in noncompliance? How often is it used?

Mr. Henderson. We automatically inform them of the availability of our assistance. Then it is up to the school district to ask the center for help.

Mr. **Forkenbrock.** Do they use it in most cases?

Mr. **Henderson.** I suspect that they do because it is of no cost to the school district, and there are some good people working in those centers.

Mr. **Forkenbrock.** When a district is found in noncompliance, they make a commitment that they are going to come up with the assistance? In any way, have you communicated to them as to what areas they have fallen down or what has caused them to be in noncompliance? Do they know the criteria?

Mr. **Henderson.** We specify exactly in what area and how they are in noncompliance.

Mr. **Blouin.** Thank you very much. We will submit a series of questions in writing. We would appreciate it if you could give us some answers.

[Questions and responses referred to above follow:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

NOV 2 1977

The Honorable Michael T. Blouin
Chairman, Advisory Study Group
Subcommittee on Elementary, Secondary,
and Vocational Education
Committee on Education and Labor
House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman:

I am returning herewith the transcript of the hearing conducted by the Advisory Study Group on Indian Education on September 20.

During the hearing, I indicated that the Office would supplement the record in response to a number of questions that arose. Specifically, I would like to comment as follows:

Page 56, line 16

You asked for a legal opinion as to whether the Department can permit Native American children to opt out of bilingual programs at the request of a tribal council or of their parents. The Office of General Counsel is studying the question and will provide you with a response at a later date.

Page 57, line 4

The question arose as to Title VI jurisdiction over a BIA boarding facility adjoining a public school. The Office of the General Counsel will provide the Group with written comments at a later date.

Page 64, line 14

Enclosed is a copy of the court order issued on June 14, 1976, in the case of Adams v. Califano. The order sets forth procedures and timeframes governing the investigation of complaints of discrimination involving school districts in the 17 Southern and Border States.

Page 65, line 7

Enclosed for inclusion in the record is a copy of the "Task Force Findings Specifying Remedies Available for Eliminating Past Educational Practices Ruled Unlawful under Lau v. Nichols," commonly known as the "Lau Remedies."

Page 69, line 10

A question arose as to the number of school districts subject to review in which the non- or limited-English speaking students were primarily Native American. Of the 334 districts targeted for review to determine compliance with Lau v. Nichols, 19 of the districts enroll a significant number of Native American students. As indicated, our data show that 72,803 Native American students are enrolled in the 334 districts. The Lau reviews have not, however, been triggered by individual complaints.

Page 70, line 6

A question arose as to the number of Lau compliance reviews the Office would undertake during fiscal year 1978.

In the Annual Operating Plan (AOP), aspects of which are currently under revision, the Office contemplates continuing or initiating 66 compliance reviews of school districts to determine compliance with Lau v. Nichols and Title VI standards. It should also be pointed out that pregrant reviews under the Emergency School Aid Act (ESAA) also involve a determination as to whether the school district applying for ESAA funds is complying with Lau standards.

Page 72, line 12

Reference is made to submitting to the Office a list of written questions. However, we have not received such a list.

I am also enclosing for your information a copy of the survey form which was sent to the 334 school districts and a copy of the analysis utilized by our investigative staff to evaluate the survey data.

Should you have further questions, please let us know.

Sincerely yours,

Lloyd R. Henderson

Lloyd R. Henderson
Director, Division of Technical Review
and Assistance
Office of Compliance and Enforcemnt
Office for Civil Rights

Enclosures

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

KENNETH ADAMS, et al., Plaintiffs	
JIMMY MARTINEZ, et al. Plaintiffs-Intervenors	CIVIL ACTION NO. 3095-70
CYNTHIA L. BUXTON, et al., Plaintiffs-Intervenors	June 14, 1976
vs.	
DAVID MATHEWS, SECRETARY OF HEALTH, EDUCATION AND WELFARE, et al., Defendants.	

ORDER

Paragraph F of the Court's Order of March 14, 1975 as modified by the Order of July 17, 1975, is hereby further modified in accordance with the provisions of this Order.

I. DEFINITIONS

For purposes of this Order:

1. A "complaint" is defined as a written allegation that an elementary and secondary school level (including state-administered vocational and other schools) recipient of the Department of Health, Education and Welfare ("HEW") funds in the seventeen Southern and Border states has violated Title VI of the Civil Rights Act of 1964 ("Title VI") or Title IX of the Education Amendments Act of 1972 ("Title IX"), or Regulations promulgated thereunder. A "complete complaint" is one which identifies in writing: (a) the complainant by name and address; (b) those injured by the alleged discrimination; (c) the names and addresses of those claiming injury where they number three or fewer persons; (d) the institution or individual alleged to have discriminated by name and address; (e) the approximate

date or dates on which the alleged discriminatory acts occurred; and (f) sufficient information concerning the alleged discrimination to permit HEW to commence an investigation.

2. A "compliance review" is an investigation or review (other than one limited to the investigation of a specific complaint) of an elementary and secondary school level recipient in the seventeen Southern and Border states undertaken by HEW in order to determine whether the recipient is in compliance with Title VI and/or Title IX. Compliance reviews shall also include reviews of state-administered schools, and post-grant reviews of a recipient undertaken by HEW pursuant to the Emergency School Aid Act of 1972.

II. PROCEDURES FOR HANDLING COMPLAINTS

3. Within 15 calendar days of receipt of a complaint HEW shall notify the complainant in writing whether the complaint is complete and of the timeframes and procedures applicable to the processing of a complaint. If the complaint is complete, the date when the investigation of the complaint is scheduled to begin shall be set forth. If the complaint is not complete, HEW shall notify the complainant of the elements of a complete complaint, the particular elements missing in the complaint filed, the information and steps needed to complete the complaint and the date by which further information necessary to complete the complaint must be received. HEW shall also notify the complainant of the right to request written, preliminary findings of the investigation and of the specific facts upon which such findings are based, and of the right to request a copy of all HEW's correspondence to the recipient pertaining to HEW's determination with respect to the complaint as to whether a violation has occurred.

4. Upon receipt of a complete complaint, HEW shall notify the recipient in writing of the nature of the complaint, the timeframes

and procedures for processing complaints, and, if an on-site investigation is contemplated, the date scheduled for the investigation of the complaint.

5. During the investigation of the complaint, HEW shall contact the complainants, and witnesses having information relevant and material to determining whether a violation has occurred, and afford complainants a full opportunity to present all evidence in support of the complaint. On request, HEW shall also inform complainants in writing of the preliminary findings of the investigation and of the specific facts upon which the preliminary findings are based, and afford complainants an opportunity to present additional evidence prior to resolution of the complaint.

6. Once HEW determines whether a violation has occurred, it shall notify the complainant of the determination, and upon request, shall provide the complainant with a copy of all its correspondence sent to the recipient pertaining to HEW's determination with respect to the complaint. HEW shall inform complainants of any negotiations for proposed corrective action and afford complainants an opportunity to comment thereon. If corrective action is secured, HEW shall notify complainants of the corrective action taken.

7. If a complaint has been determined to be incomplete, and the complaint is not completed within 60 days from the receipt of the original complaint, HEW shall promptly notify the complainant in writing that the complaint will be closed because of incompleteness unless the complaint is completed within an additional 120 days of the notification. Requests to resubmit complaints which were closed because of incompleteness shall be granted by the Director of the Office for Civil Rights or its designee for good cause shown.

III. TIMEFRAMES CONCERNING COMPLAINTS

8. HEW shall investigate and resolve all complaints within the following timeframes:

a. Within 15 calendar days of receipt of a complaint, HEW shall determine whether it is complete as defined in ¶1 above.

b. Complete Complaints:

(1) If the initial complaint is complete, HEW shall conduct a prompt investigation and determine whether a violation has occurred. Such finding shall be made in writing within 105 days from receipt of the complaint.

(2) If a violation has occurred, HEW shall seek corrective action through negotiations. If such corrective action is not secured within 195 days of receipt of the complaint, HEW shall initiate formal enforcement action by commencing administrative proceedings or by other means authorized by law no later than 225 after receipt of the complaint.

c. Incomplete Complaints:

(1) Upon receipt of the completed complaint, HEW shall conduct a prompt investigation to determine whether a violation has occurred. Such finding shall be made no more than 90 days from receipt of the completed complaint.

(2) If HEW determines that a violation has occurred, it shall seek corrective action through negotiation. If such corrective action is not secured within 180 days after receipt of the completed complaint, HEW shall initiate formal enforcement action no later than 210 days after receipt of the completed complaint.

9. Emergency Complaints:

(a) If a complete complaint alleges facts which indicate that injury of an emergency nature (such as loss of job or removal from school) is likely to occur or has occurred, and that an expedited investigation and prompt remedial action is likely to prevent the injury from occurring or is likely to minimize the harm which has occurred, HEW shall determine the merits of the complaint within 60 days of its receipt. If a violation has occurred, HEW shall seek corrective action within 60 additional days. If corrective action cannot be secured, HEW shall initiate formal enforcement action no later than 150 days after receipt of the complaint.

(b) When a complaint is incomplete and alleges facts which indicate that the discriminatory injury may be of an emergency nature as defined in ¶9(a), HEW shall attempt to secure within 15 days from receipt of the original complaint additional information required to complete the complaint. Thereafter, upon completion of the complaint, HEW shall follow the procedures in ¶9(a) above if the facts alleged show it is an emergency complaint, or ¶8 above if the complaint alleges facts which do not require emergency timeframes.

IV. WITNESS UNAVAILABILITY CAUSED BY SUMMER RECESS

10. If a witness whose testimony is material and relevant to the allegation is unavailable by reason of a summer recess, so that HEW is unable to complete the investigation within the timeframes specified in ¶¶ 8, 9 or 14 as applicable, HEW shall notify the complainant that such timeframe cannot reasonably be met. HEW shall also provide a specified date for completion of the investigation, which shall be no more than 60 days after the end of such summer recess (30 days for emergency complaints).

V. EXCESSIVE COMPLAINT WORKLOAD EXCEPTION

11. When the Director of the Office for Civil Rights determines that the resources in any region of OCR are inadequate to comply with ¶8 above, the Director may, on a temporary basis, authorize exceptions to the timeframes governing the processing of complaints in that region in accordance with the following conditions:

(a) Not more than 20 percent of the complaints received in any fiscal year shall be excepted from processing in accordance with ¶8 above.

(b) Complaints of an emergency nature as defined in ¶9 above shall not be excepted from processing in accordance with the timeframes established in ¶9.

(c) HEW shall select non-emergency complaints for exception to the timeframes by subject category (Title VI-race; Title VI-national origin; Title IX) in proportion to the number of non-emergency complaints in each category received in the previous fiscal year.

(d) In each quarter of the fiscal year following the fiscal year during which the temporary suspension of complaint timeframes occurred, HEW shall eliminate at least 25 percent of the backlog created by the temporary suspension in accordance with the following conditions:

(1) HEW shall process complaints received in that quarter according to the timeframes set forth in ¶¶ 8 or 9 above;

(2) Additionally, in each quarter of the fiscal year, HEW shall process at least 25 percent of the backlog of complaints existing at the beginning of the fiscal year in accordance with the timeframes set forth in ¶8. In eliminating the backlog, HEW shall take up backlogged complaints in the chronological order in which they were received.

(3) One-half of the backlogged complaints so processed shall be considered received on the first day of each quarter in which they are processed, and one-half of the backlogged complaints so processed shall be considered received on the 45th day of the quarter in which they are processed.

VI. COMPLIANCE REVIEW PROCEDURES

12. At the commencement of each quarter of the fiscal year, HEW shall notify plaintiffs and plaintiffs-intervenors which recipients will be subject to compliance reviews, the general subject area of the review and the date on which the review will be commenced during the coming quarter of the fiscal year.

13. In exceptional cases, not to exceed 10 percent or 10 of the compliance reviews scheduled for a fiscal year, whichever is larger,

if the Director determines there are unusual circumstances so that the timeframes set forth in ¶14 of the Order cannot reasonably be met, the Director shall notify plaintiffs and plaintiffs-intervenors within 90 days of the commencement of the review and provide a specified time within which the review will be completed.

VII. COMPLIANCE REVIEW TIMEFRAMES

14. Within 90 days of the date that a compliance review commences, HEW shall determine whether the recipient is in compliance with Title VI and/or Title IX. If the recipient is not in compliance, HEW shall attempt to secure voluntary compliance within 180 days of the commencement of the review. If compliance cannot be secured voluntarily, HEW shall initiate formal enforcement action proceedings within 210 days of the commencement of the review. If an on-site investigation is scheduled, the timeframes set forth in this paragraph shall run from the date that OCR investigators commence the investigation at the site of the recipient institution.

15. In the course of the compliance review, HEW shall afford parents, students, and employees of the recipient a full opportunity within 45 days of the commencement of the review, or such further time as the Director may designate in accordance with ¶13 above, to present information regarding the subject of the recipient's compliance with Titles VI and/or Title IX to HEW.

VIII. ESAA DISTRICTS

16. When a recipient seeking assistance under the Emergency School Aid Act of 1972 (herein "ESAA") is found ineligible for assistance by HEW because of a civil rights violation, HEW shall enforce Title VI in accordance with the following schedule:

(a) Within 45 days from the date that a local school district is found ineligible for federal funding under ESAA, if the school district does not apply for a waiver, or within 30 days from the date that a local school district is denied a waiver of ineligibility for federal funding under ESAA, HEW shall communicate with the school district and require that it present evidence to explain or rebut the presumption that it is in non-compliance with Title VI. HEW shall require that such explanation or rebuttal be submitted within an additional 30 days, that is, 75 days after the date that the school district is found ineligible for ESAA or within 60 days after the date that a local school district is denied a waiver of ineligibility for ESAA.

(b) If it is determined that a school district has not presented evidence which explains or rebuts the presumption of non-compliance with Title VI, HEW shall seek compliance through voluntary means for an additional period not to exceed 80 days;

(c) If such voluntary compliance is not secured, HEW shall initiate formal enforcement action within 185 days after a school district is found ineligible for federal funding under ESAA or within 170 days after a school district has been denied a waiver of ineligibility for federal funding under ESAA.

17. In all ESAA post-grant reviews which HEW conducts, HEW shall review the recipients' compliance with Title VI and Title IX within the timeframes set forth in ¶14 above.

IX. FISCAL YEAR 1976 PLAN

18. Notwithstanding the requirements set forth in Parts II and III herein, while HEW in the future will investigate and dispose of all complaints, it believes its resources are insufficient to carry out those provisions in fiscal year 1976. Therefore, a plan for fiscal year 1976, attached as Exhibit 1, shows the number of compliance activities which shall be performed in the seventeen Southern and Border states by HEW for the remainder of the fiscal year ending September 30, 1976. Each complaint and compliance review conducted pursuant to the 1976 Plan shall be commenced before the close of the fiscal year and shall be processed in accordance with the timeframes set forth in ¶¶ 8 and 14 of the Order. Plaintiffs shall not move

the Court for compliance activity beyond that set forth for fiscal year 1976.

19. On or before July 15, 1976, HEW shall publish an Assurance of Compliance with Title IX and send a copy of the Assurance to each recipient. HEW shall require recipients to complete and return the Assurance by September 1, 1976.

X. FISCAL YEAR 1977

20. HEW projects that it will have a substantial backlog of complaints on October 1, 1976, the date that fiscal year 1977 commences. HEW shall eliminate the backlog during fiscal year 1977 as follows:

(a) In each quarter of fiscal year 1977, HEW shall process the complaints received in that quarter in accordance with the timeframes set forth in Part III above;

(b) In addition, in the first quarter of fiscal year 1977, HEW shall process 10 percent of the backlog existing on October 1, 1976; in the second quarter of fiscal year 1977, HEW shall process 30 percent of that backlog; in the third quarter, HEW shall process 30 percent of that backlog; and in the fourth quarter, the remaining 30 percent. All such backlogged complaints shall be processed in accordance with the timeframes set forth in Part III above.

(c) Backlogged complaints to be investigated shall be selected in proportion to the number of complaints received in each subject category (i.e., Title VI-race; Title VI-national origin; Title IX) in each region in the previous fiscal year.

(d) Within each subject category, HEW shall take up the backlogged complaints in the chronological order in which they were received. One half of the backlogged complaints so processed shall be considered received on the first day of each quarter in which they are processed, and one-half of those backlogged complaints shall be considered received on the 45th day of the quarter in which they are processed.

XI. COMPLAINTS ALLEGING DISCRIMINATION ON MORE THAN ONE GROUND

21. When a complaint alleges discrimination on more than one ground (e.g., on the basis of both race and sex), the complaint shall be counted as a proportional fraction of a complaint for each subject category (i.e., Title VI-race, Title VI-national origin; Title IX) in which it falls.

XII. PUBLISHING ANNUAL PLANS

22. Each year at least 60 days in advance of the fiscal year commencing with fiscal year 1978, HEW shall publish a proposed annual operating plan for the coming fiscal year permitting members of the public to comment thereon. HEW shall publish a proposed operating plan for fiscal year 1977 at least 30 days in advance of the coming fiscal year. After public comment has been received and evaluated, HEW shall publish a final annual plan by the close of the first quarter of the fiscal year.

XIII. SURVEYS OF SCHOOL DISTRICTS

23. In the first quarter of fiscal year 1977, HEW intends to conduct a survey of 100% of all elementary and secondary schools which receive or benefit from federal financial assistance. HEW also intends to conduct such surveys in alternate fiscal years with submissions due in October. Such surveys shall request the submission of information and data adequate to determine which compliance reviews will be conducted, and to facilitate the processing of complaints and the identification of possible Title VI and Title IX violations. In the years when such surveys are not conducted, HEW intends to require that all school districts maintain such information and data. HEW shall require each surveyed school district to keep copies of completed surveys on file and make them available to the public on request. For those years that such surveys are submitted to HEW, it shall also make the surveys which it collects

available to the public on request.

XIV. NOTICE TO PUBLIC

24. Within a reasonable time after the effective date of this document, HEW shall publish in English and Spanish and disseminate to members of the general public forms and instructions which will facilitate the filing of complete complaints but the use of such forms shall not be mandatory.

XV. OTHER ENFORCEMENT RESPONSIBILITIES

25. This Order does not in any way limit other enforcement responsibilities of the Office for Civil Rights not covered by this Order.

XVI. REPORTING

26. Every sixth month from the effective date of this Order, HEW shall provide plaintiffs and plaintiffs-intervenors information, which may be supplied by computer print-outs, showing its Title VI and Title IX enforcement activities affecting elementary and secondary school districts in the seventeen Southern and Border states which occurred in the previous two quarters of the fiscal year as follows:

27. Summaries showing for Title VI and for Title IX by region: (a) the total number of complaints received; (b) the total number of complaints unresolved; (c) the total number of complaints referred to other agencies because HEW lacks jurisdiction of the complaint or because the complaint raises issues which may be covered by an outstanding court order; (d) the total number of complaints closed because they were incomplete; (e) the total number of complaints closed because they lacked merit; (f) the total number of complaints where findings of violations were made; (g) the total number of complaints closed after corrective action was secured; (h) the total number of cases in which formal enforcement action was initiated.

28. For each complaint received or unresolved: (a) identification of the complaint by log number and date received; (b) subject matter of the complaint (i.e., Title VI and Title IX); (c) the recipient against whom the complaint was filed; (d) the nature of the complaint; (e) whether it is an emergency complaint; (f) the date an incomplete complaint was closed; (g) the date the complaint was referred to another agency because HEW lacks jurisdiction of the complaint or because the complaint raises issues which may be covered by an outstanding court order and the identity of that agency; (h) the date a letter of findings was sent and whether or not a violation had occurred; (i) the date corrective action was secured; (j) the date that formal enforcement action was initiated.

29. The identity of each school district found ineligible for ESAA where a Civil Rights violation was found; the date corrective action under Title VI was secured; if applicable, the date that formal Title VI enforcement action was initiated.

30. For each compliance review pending or closed in the previous two quarters: (a) the identity of the recipient; (b) the date the on-site investigation started; (c) the nature of the compliance review; (d) the date a letter of findings was sent determining whether a violation had occurred; (e) whether or not a violation was found; (f) the date corrective action was secured; (g) if applicable, the date that formal enforcement action was initiated.

31. If HEW has failed to comply with the timeframes or other obligations set forth in this Order, an explanation of the specific reasons for the failure to so comply.

32. HEW shall make available to plaintiffs and to plaintiffs-intervenors in Washington, D.C., upon reasonable request and with at least two weeks notice, the file of a closed complaint and/or compliance review.

UNITED STATES DISTRICT JUDGE

Dated: , 1976.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20201

OFFICE FOR CIVIL RIGHTS

TASK FORCE FINDINGS SPECIFYING REMEDIES AVAILABLE FOR ELIMINATING PAST EDUCATIONAL PRACTICES RULED UNLAWFUL UNDER LAU v. NICHOLS

The immediate implementation of the requirements listed within does not apply to those school districts which have had a substantial number of recent school-age Indo-Chinese immigrants whose primary or home language is other than English in the 1975-76 school year.

I. Identification of Student's Primary or Home Language.

The first step to be included in a plan submitted by a district found to be in noncompliance with Title VI under Lau is the method by which the district will identify the student's primary or home language. A student's primary or home language, for the purpose of this report, is other than English if it meets at least one of the following descriptions:

A. The student's first acquired language is other than English.

B. The language most often spoken by the student is other than English.

C. The language most often spoken in the student's home is other than English, regardless of the language spoken by the student.

These assessments (A-C, above) must be made by persons who can speak and understand the necessary language(s). Then the district must assess the degree of linguistic function or ability of the student(s) so as to place the student(s) in one of the following categories by language.

A. Monolinqual speaker of the language other than English (speaks the language other than English exclusively).

B. Predominantly speaks the language other than English (speaks mostly the language other than English, but speaks some English).

C. Bilingual (speaks both the language other than English and English with equal ease).

D. Predominantly speaks English (speaks mostly English, but some of the language other than English).

E. Monolingual speaker of English (speaks English exclusively).

In the event that the student is multilingual (is functional in more than two languages in addition to English), such assessment must be made in all the necessary languages.

In order to make the aforementioned assessments the district must, at a minimum, determine the language most often spoken in the student's home, regardless of the language spoken by the student, the language most often spoken by the student in the home and the language spoken by the student in the social setting (by observation).

These assessments must be made by persons who can speak and understand the necessary language(s). An example of the latter would be to determine by observation, the language used by the student to communicate with peers between classes or in informal situations. These assessments must cross-validate one another (Example: student speaks Spanish at home and Spanish with classmates at lunch). Observers must estimate the frequency of use of each language spoken by the student in these situations.

In the event that the language determinations conflict (Example: student speaks Spanish at home, but English with classmates at lunch), an additional method must be employed by the district to make such a determination (for example the district may wish to employ a test of language dominance as a third criterion). In other words, two of the three criteria will cross-validate or the majority of criteria will cross-validate (Yield the same language).

Due to staff limitations and priorities, we will require a plan under Lau during this initial stage of investigation when the district has 20 or more students of the same language group identified as having a primary or home language other than English. However, a district does have an obligation to serve any student whose primary or home language is other than English.

II. Diagnostic/Prescriptive Approach

The second part of a plan must describe the diagnostic/prescriptive measures to be used to identify the nature and extent of each student's educational needs and then prescribe an educational program utilizing the most effective teaching style to satisfy the diagnosed educational needs. The determination of which teaching style(s) are to be used will be based on a careful review of both the cognitive and affective domains and should include an assessment of the responsiveness of students to different types of cognitive learning styles and incentive motivational styles -- e.g., competitive v. cooperative learning patterns. The diagnostic measures must include diagnoses of problems related to areas or subjects required of other students in the school program and prescriptive measures must serve to bring the linguistically/culturally different student(s) to the educational performance level that is expected by the Local Education Agency (LEA) and State of nonminority students. A program designed for students of limited English-speaking ability must not be operated in a manner so as to solely satisfy a set of objectives divorced or isolated from those educational objectives established for students in the regular school program.

III. Educational Program Selection

In the third step the district must implement the appropriate type(s) of educational program(s) listed in this Section (III, 1-5), dependent upon the degree of linguistic proficiency of the students in question. If none seem applicable check with your Lau coordinator for further action.

1. In the case of the monolingual speaker of the language other than English (speaks the language other than English exclusively).

   A. At the Elementary and Intermediate Levels:

      Any one or combination of the following programs is acceptable.

      1. Transitional Bilingual Education Program (TBE)
      2. Bilingual/Bicultural Program.
      3. Multilingual/Multicultural Program (see definitions, page 21).

In the case of a TBE, the district must provide predictive data which show that such student(s) are ready to make the transition into English and will succeed educationally in content areas and in the educational program(s) in which he/she is to be placed. This is necessary so the district will not prematurely place the linguistically/culturally different student who is not ready to participate effectively in an English language curriculum in the regular school program (conducted exclusively in English).

Because an ESL program does not consider the affective nor cognitive development of students in this category and time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate.

B. At the Secondary Level:

Option 1 - Such students may receive instruction in subject matter (example: math, science) in the native language(s) and receive English-as-a-Second Language (ESL) as a class component (see definitions, page 21).

Option 2 - Such students may receive required and elective subject matter (examples: math, science, industrial arts) in the native language(s) and bridge into English while combining English with the native language as appropriate (learning English as a first language, in a natural setting).

Option 3 - Such students may receive ESL or High intensive Language Training (HILT), (see definition, page 21) in English until they are fully functional in English (can operate equally successfully in school in English) then bridge into the school program for all other students.

A district may wish to utilize a TBE, Bilingual/ Bicultural or Multilingual/Multicultural program in lieu of the three options presented in this section (III.1.B.). This is permissible. However, if the necessary prerequisite skills in the native language(s) have not been taught to these students, some form of compensatory education in the native language must be provided.

In any case, students in this category (III.1.B.) must receive such instruction in a manner that is expeditiously carried out so that the student in question will be able to participate to the greatest extent possible in the regular school program as soon as possible. At no time can a program be selected in this category (III.1.B.) to place the students in situations where the method of instruction will result in a substantial delay in providing these students with the necessary English language skills needed by or required of other students at the time of graduation.

NOTE: You will generally find that students in this category are recent immigrants.

2. In the case of the predominate speaker of the language other than English (speaks mostly the language other than English, but speaks some English):

A. At the Elementary Level:

Any one or combination of the following programs is acceptable.

1. TBE

2. Bilingual/Bicultural Program

3. Multilingual/Multicultural Program

In the case of a TBE, the district must provide predictive data which show that such student(s) are ready to make the transition into English and will educationally succeed in content areas and the educational program in which he/she is to be placed.

Since an ESL program does not consider the affective nor cognitive development of the students in this category and the time and maturation variables are different here than for students at the secondary level, an ESL program is not appropriate.

B. At the Intermediate and High School Levels:

The district must provide data relative to the student's academic achievement and identify those students who have been in the school system for less than a year. If the student(s) who have been in the school system for less than a year are achieving at grade level or better, the district is not required to provide additional educational programs. If, however, the students who have been in the school system for a year or more are underachieving (not achieving at grade level), (see definitions, page 21) the district must submit a plan to remedy the situation. This may include smaller class size, enrichment materials, etc. In either this case or the case of students who are underachieving and have been in the school system for less than a year, the remedy must include any one or combination of the following 1) an ESL, 2) a TBE, 3) a Bilingual/Bicultural Program 4) a Multilingual/Multicultural Program. But such students may not be placed in situations where all instruction is conducted in the native language as may be prescribed for the monolingual speaker of a language other than English, if the necessary prerequisite skills in the native language have not been taught. In this case some form of compensatory education in the native language must be provided.

NOTE: You will generally find that students in this category are not recent immigrants.

3. In the case of the bilingual speaker (speaks both the language other than English and English with equal ease) the district must provide data relative to the student(s) academic achievement.

In this case the treatment is the same at the elementary, intermediate and secondary levels and differs only in terms of underachievers and those students achieving at grade level or better.

A. For the students in this category who are underachieving, treatment corresponds to the regular program requirements for all racially/ethnically identifiable classes or tracks composed of students who are underachieving, regardless of their language background.

B. For the students in this category who are achieving at grade level or better, the district is not required to provide additional educational programs.

4. In the case of the predominant speaker of English (speaks mostly English, but some of a language other than English) treatment for these students is the same as III, 3 above.

5. In the case of the monolingual speaker of English (speaks English exclusively) treat the same as III, 3 above.

NOTE: ESL is a necessary component of all the aforementioned programs. However, an ESL program may not be sufficient as the only program operated by a district to respond to the educational needs of all the types of students described in this document.

IV. Required and Elective Courses

In the fourth step of such plan the district must show that the required and elective courses are not designed to have a discriminatory effect

A. Required courses. Required courses (example: American History) must not be designed to exclude pertinent minority developments which have contributed to or influenced such subjects.

B. Elective Courses and Co-curricular Activities. Where a district has been found out of compliance and operates racially/ethnically identifiable elective courses or co-curricular activities, the plan must address this area by either educationally justifying the racial/ethnic identifiability of these courses or activities, eliminating them, or guaranteeing that these courses or co-curricular activities will not remain racially/ethnically identifiable.

There is a prima facie case of discrimination if courses are racially/ethnically identifiable.

Schools must develop strong incentives and encouragement for minority students to enroll in electives where minorities have not traditionally enrolled. In this regard, counselors, principals and teachers have a most important role. Title VI compliance questions are raised by any analysis of counseling practices which indicates that minorities are being advised in a manner which results in their being disproportionately channeled into certain subject areas or courses. The school district must see that all of its students are encouraged to fully participate and take advantage of all educational benefits.

Close monitoring is necessary to evaluate to what degree minorities are in essence being discouraged from taking certain electives and encouraged to take other elective courses and insist that to eliminate discrimination and to provide equal educational opportunities, districts must take affirmative duties to see that minority students are not excluded from any elective courses and over included in others.

All newly established elective courses cannot be designed to have a discriminatory effect. This means that a district cannot, for example, initiate a course in Spanish literature designed exclusively for Spanish-speaking students so that enrollment in that subject is designed to result in the exclusion of students whose native language is English but who could equally benefit from such a course and/or be designed to result in the removal of the minority students in question from a general literature course which should be designed to be relevant for all the students served by the district.

V. Instructional Personnel Requirements (see definitions, page 21). Instructional personnel teaching the students in question must be linguistically/culturally familiar with the background of the students to be affected.

The student/teacher ratio for such programs should equal or be less than (fewer students per teacher) the student/teacher ratio for the district. However, we will not require corrective action by the district if the number of students in such programs are no more than five greater per teacher than the student/teacher ratio for the district.

If instructional staffing is inadequate to implement program requirements, in-service training, directly related to improving student performance is acceptable as an immediate and temporary response. Plans for providing this training must include at least the following:

1. Objectives of training (must be directly related to ultimately improving student performance)
2. Methods by which the objective(s) will be achieved
3. Method for selection of teachers to receive training
4. Names of personnel doing the training and location of training
5. Content of training

6. Evaluation design of training and performance criteria for individuals receiving the training

7. Proposed timetables

This temporary in-service training must continue until staff performance criteria has been met.

Another temporary alternative is utilizing para professional persons with the necessary language(s) and cultural background(s). Specific instructional roles of such personnel must be included in the plan. Such plan must show that this personnelwill aid in teaching and not be restricted to those areas unrelated to the teaching process (checking roll, issuing tardy cards, etc.)

In addition, the district must include a plan for securing the number of qualified teachers necessary to fully implement the instructional program. Development and training of para professionals may be an important source for the development of bilingual/bicultural teachers.

VI. Racial/Ethnic Isolation and/or Identifiability of Schools and Classes

A. Racially/Ethnically Isolated and/or Identifiable Schools - It is not educationally necessary nor legally permissable to create racially/ethnically identifiable schools in order to respond to student language characteristics as specified in the programs described herein.

B. Racially/Ethnically Isolated and/or Identifiable Classes - The implementation of the aforementioned educational models do not justify the existence of racially/ethnically isolated or identifiable classes, per se. Since there is no conflict in this area as related to the application of the Emergency School Aid Act (ESAA) and existing Title VI regulations, standard application of those regulations is effective.

VII. Notification to Parents of Students Whose Primary or Home Language is Other Than English

A. School districts have the responsibility to effectively notify the parents of the students identified as having a primary or home language other than English of all school activities or notices which are called to the attention of other parents. Such notice, in order to be adequate, must be provided in English and in the necessary language(s) comprehensively paralleling the exact content in English. Be aware that a literal translation may not be sufficient.

B. The district must inform all minority and nonminority parents of all aspects of the programs designed for students of limited English-speaking ability and that these programs constitute an integral part of the total school program.

VIII. Evaluation

A "Product and Process" evaluation is to be submitted in the plan. This type of evaluation, in addition to stating the "product" (end result), must include "process evaluation" (periodic evaluation throughout the implementation stage). A description of the evaluation design is required. Time-lines (target for completion of steps) is an essential component.

For the first three years, following the implementation of a plan, the district must submit to the OCR Regional Office at the close of sixty days after school starts, a "progress report" which will show the steps which have been completed. For those steps which have not been completed, a narrative from the district is necessary to explain why the targeted completion dates were not met. Another "progress report" is also due at the close of 30 days after the last day of the school year in question.

IX. Definition of Terms:

1. Bilingual/Bicultural Program

A program which utilizes the student's native language (example: Navajo) and cultural factors in instruct maintaining and further developing all the necessary skills in the student's native language and culture while introducing, maintaining and developing all the necessary skills in the second language and culture (example: English). The end result is a student who can function, totally, in both languages and cultures.

2. English-as-a-Second Language (ESL)

A structured language acquisition program designed to teach English to students whose native language is not English.

3. High Intensive Language Training (HILT)

A total immersion program designed to teach students a new language.

4. Multilingual/Multicultural Program

A program operated under the same principals as a Bilingual/Bicultural Program (X,1) except that more than one language and culture, in addition to English language and culture is treated. The end result is a student who can function, totally, in more than two languages and cultures.

5. Transitional Bilingual Education Program (TBE)

A program operated in the same manner as a Bilingual/Bicultural Program, except that once the student is fully functional in the second language (English), further instruction in the native language is no longer required.

6. Underachievement

Underachievement is defined as performance in each subject area (e.g. reading, problem solving) at one or more standard deviations below district norms as determined by some objective measures for non-ethnic/racial minority students. Mental ability scores cannot be utilized for determining grade expectancy.

7. Instructional Personnel

Persons involved in teaching activities. Such personnel includes, but is not limited to, certified, credentialized teachers, para professionals, teacher aides, parents, community volunteers, youth tutors, etc.

Analysis for Compliance Report on Instructional Services for Students Whose Primary or Home Language is Other Than English

HEW Form OS 53-74

Spring 1975
HEW/OCR/DESE

Introduction

Attached you will find the analysis program for the Compliance Report On Instructional Services for Students Whose Primary or Home Language is Other Than English (Form OS 53-74) developed by the Office for Civil Rights/Division of Elementary and Secondary Education.

In order to perform this analysis you should obtain the following Forms for a respondent district:

A. The latest Forms OS/CR 101 and 102

B. The latest Form EEOC 168

C. The latest Form OS 53-74

A step by step analysis is provided within. Should any confusion arise, check with your Education Branch Chief so that he/she may identify the persons within your division who have attended the necessary meetings in Washington, D.C. to detail all aspects of our *Lau* v. *Nichols* compliance effort. Such persons are referred to within as *Lau* coordinators.

While most permanent, professional staff persons should be able to perform this analysis, a working knowledge of OCR policy and Emergency School Aid Act (ESSA) regulations and application of those regulations is necessary.

A "General Information" section follows the program analysis section. Please read this section carefully.

I. Identification of Students Whose Primary or Home Language is Other Than English.

Step 1

Check to see that the number reported under Item 1 equals the number reported on the last line of Column F marked (Must Equal Item 1) of Item 3. If the numbers do not agree, check to see that the district has submitted a continuation sheet which explains why the numbers do not agree. If such an explanation is provided, check with your Lau coordinator to see if the explanation is sufficient and justified. If such an explanation is not provided and/or the explanation is insufficient or not justified, call the district (information provided under "Identification of School System") and discuss and clarify the necessary definitions and instructions. Verify all such conversations with a "telephone memorandum".

Step 2

Proceed to Item 5. Check with your Lau coordinator to see if the methods employed to determine the degree of linguistic function or ability of the students reported under Item 3 is sufficient and justified. Be aware that continuation sheets for this Item may be provided in the response from the district. If in this Item the district has indicated that staff members were or are charged with this responsibility, make sure that such staff members were or are able to communicate in the languages reported under Item 3 in the column which reads

"Primary or Home Language Other Than English". If in this Item the district indicates that a testing program is used to determine the degree of linguistic function or ability of the students in question, proceed to Item 8 of the Form to make sure that the district does indeed administer such an instrument.

IN ITEM 8

A. First check Column C to see that the district is or is not using an instrument for the purpose of establishing the degree of linguistic function or ability of the students in question.

B. Next check Column B to see that the type of instrument administered agrees with the purpose for administering it as reported under Column C.

C. Next check Column A to make sure that the name of the instrument is reported. If not listed, obtain it from the district.

D. Next check Column G. If "yes" is entered, which shows that verbal instruction to students is necessary, proceed to Column H to make sure that the tester, in addition to being qualified and/or certified to administer this instrument, is either "fluent" or "fairly fluent". If the term "not fluent" * is entered for this tester, it is not sufficient. If "no" is listed in Column G, check Column H to be sure that the tester is qualified and/or certified to administer such instrument and next check Column D to see if the instrument is administered in the necessary languages.

E. Check Column F to make sure that either the letter "I" or "G" or both is listed for this instrument. If this column is left blank, call the district and obtain the necessary information.

F. Check Column E and make sure that the name of the publisher appears therein. If the instrument(s) are anything but State or locally-developed, ask your Lau coordinator to verify the appropriateness of the instrument and to cross verify all the listed information on the instrument. If the instrument is State or locally-developed, a form entitled "Information on all State or Locally Developed Assessment Instruments (Attachment A) must be sent to the district and/or State for completion before a determination of Title VI compliance may be ascertained.

A determination must be made at this point as to whether or not the district can adequately identify the number of students whose primary or home language is not English. The only thing that could delay this determination is that the form entitled, "Information on All State or Locally Developed Assessment Instruments" (Attachment A) has not yet been analysed for determining adequacy of a given instrument to identify the degree of linguistic function or ability of the student in question. *If* all the necessary information has been analysed and the district *is not* able to adequately identify students whose primary or home language is not English, it is assumed that the district is in noncompliance with Title VI. *

Step 3

Now proceed to Item 3. For each "Primary or Home Language Other Than English" total Columns A and B (Column A + Column B of each primary or home language other than English). When this total is 20 or greater of each language and "0" or none is reported under Item 2(a) immediately check Item 4, Columns A and B and Items 2(b) and 2(c) to see if there is a conflict. If there is a conflict call the district to clarify the reported information. Verify all such conversations with a "telephone memorandum". If the reported information under Item 2 and Item 4 does indeed reflect that the district *does not* operate a program to serve the students reported under Columns A and B of Item 3, it is assumed that the district is in noncompliance * with Title VI. Again, be aware that the district may have provided continuation sheets for some items.

II. Student/Teacher Ratios.

Step 4

If in Item 2(a) a number other than "0" (none) is reported, go to Item 2(b) and establish a student/teacher ratio for these classes. This figure is obtained by dividing Item 2(b) by Item 2(a) ($\frac{2(b)}{2(a)}$). Now check the 1974 Form OS/CR 101, Item VIA, Column 6 "Totals" and divide that figure by the total of lines 5 and 6 of Column M (Overall Totals) of the 1974 EEOC 168, ($\frac{\text{Form OS/CR 101, Item VIA, 1974}}{\text{EEOC 168, Total of lines 5 and 6 of Col. M, 1974}}$) to obtain the average student/teacher ratio for the district. Now compare the two student/teacher ratios. The student/teacher ratio for the classes designed for students of limited English-speaking ability ($\frac{2(b)}{2(a)}$) should deviate no more than 5 percentage points from the average student/teacher ratio for the district ($\frac{\text{Form OS/CR 101, Item VIA, 1974}}{\text{EEOC 168, Total of lines 5 and 6 of Col. M, 1974}}$).

If the student/teacher ratio does deviate more than 5 percent for the classes designed for students of limited English-speaking ability, this information may only be used as supportive evidence of noncompliance with Title VI, but in and of itself does not constitute noncompliance.

In the event that 1974 Forms OS/CR 101 and EEOC 168's were not requested of the district, check the latest forms to compute the average student/teacher ratio for the district. Be aware that prior to 1973 the teacher counts were collected on OCR forms and not by EEOC forms. So, make sure that you are using parallel student and teacher number information for the same year. If the data used to determine the average student/teacher ratio for the district is obtained from any of the aforementioned sources, other than the 1974 OS/CR 101 and the 1974 EEOC 168, and the data shows that the district is within the 5 percent student/teacher ratio deviation, exempt the district from providing further information pertinent to this Item. If, however, this data (other Than 1974 OS/CR 101 and 1974 EEOC 168) shows that the district is not within the 5 percentage points, call the district and obtain the necessary information for the current school year (total student enrollment and total of full time elementary and secondary teachers) to compute the average student/teacher ratio for the district. Verify all such conversations with a "telephone memorandum" and have this confirmed, in writing, from the district. Then repeat the process given under step 4 above.

NOTE: Under step 4 the only information that may be used as supportive evidence of noncompliance with Title VI is that the student/teacher ratio for the classes designed for students of limited English-speaking ability is at least 5 percent greater (more students per teacher) than the average student/teacher ratio for the district.

III. Composition of Classes Designed for Students Whose Primary or Home Language is not English and Educational Settings in Which Such Services are Received.

Step 5

Deduct line 2(c) from line 2(b), (2(b) - 2(c) = ____). If the differnce is "0" (zero) proceed to Item 4, Column F. Now deduct the number reported under Item 4, Column F, from line 2(b), (2(b) - Item 4, Col. F = ____). If the difference is again "0" (zero), deduct the total of Columns A and B in Item 4, (4A + 4B = ____) from Item 4, Column F, (4F - [4A + 4B] = ____). If the difference is again "0" (zero), call the district and ask the following questions about the setting in which the educational services are given and/or received:

A. Are the students at the elementary level, who are receiving such services isolated (a group composed of 100 percent of these students) in the setting where such a program is being administered for more than 25 percent of the school day? If yes, ask the district to provide to you, in writing, a full and detailed justification for such isolation. Then check with your Lau coordinator to see that such isolation is educationally justifiable.

B. Are the students at either or both the elementary and secondary levels, who are receiving such services, in a setting where the composition of such a group is composed of these students and the balance of the class is composed of minority students not identified as having a primary or home language other than English (racially/ethnically identifiable classes) for more than 25 percent of the school day? If yes, ask the district to provide to you, in writing, a full and detailed justification for such racially/ethnically identifiable classes. Then check with your Lau coordinator to see that such racially/ethnically identifiability is educationally justifiable. ?

You need not ask for such justification in either case A or B, above, if the student population of the district is 100 percent minority or 100 percent students of limited English-speaking ability (check OS/CR 101).

Step 6

After deducting line 2(c) from line 2(b), (2(b) - 2(c) = ____) and the difference is "0" (zero) and the number reported under

class is all
minority but some
do not need instruc.

4F does not equal the number reported under Item 2(c), immediately check the OS/CR 101 to establish the minority/non-minority percentage of the district (% of VIA, Col. 5 + % of Column 1 + 2 + 3 + 4 = 100% of Col. 6 on OS/CR 101). If the composition of the students reported under 2(c) deviates more than 20 percent from the district racial/ethnic composition, ask the district to provide to you, in writing, a full and detailed justification for such student placement including criteria used to place such students and the weight given to each criterion should more than one be used. Then check with your Lau coordinator to see that such placement is educationally justifiable.

The 20 percent deviation figure used in this step is the figure that OCR has used under ESSA.

Step 7

Check to see that the number reported under Item 4F equals the number reported under Item 2(b). If the numbers are equal, but the sum of Items 4A and 4B does not equal the number reported under 4F, call the district and ask if the students reported under 4C through 4E are mainstreamed for the exception of participation in these classes. What percent of the school day do these students (reported under 4C through 4E) spend in these classes? Then check with your Lau coordinator to insure that the program operated by the district for students whose primary or home language is not

English is not used in a manner so as to prohibit students whose primary or home language is not English but, who can function equally well as their English-speaking counterparts in English, from participating in the regular school program. Have this confirmed, in writing, from the district.

Step 8

Check to see if the sum of 4A + 4B equals the number reported under 2(b). If the numbers are equal(4A + 4B = 2(b)) repeat steps 5A + 5B above.

Step 9

Now check the Column A and B totals of Item 3, (Sum of Col. A and sum of Col. B, in Item 3). If the Column A total of Item 3 equals the number reported under Item 4A and if the Column B total of Item 3 equals the number reported under Item 4B, proceed to step 11 below.

Step 10

If in any case the sum of the Column totals A and B of Item 3, (Column total A + B of Item 3) is at least 20 greater than the sum of Item 4A and 4B, (4A + 4B) and the total of Item 4A and 4B, (4A + 4B) is smaller than the number reported under 2(b), call the district to see why these students are not being served in the district program designed for students of limited English-speaking ability. Have this confirmed, in writing, from the district. Then check with your Lau coordinator to see that such explanation is sufficient and justifiable.

Be aware that throughout your analysis continuation sheets may have been submitted by the district.

IV. Retention of Students of Limited English-speaking Ability in Congnitive Subject Areas Based on Failure to Treat with Native Language.

Step 11

Now proceed to Item 6. If a number of 20 or greater is reported here, call the district and make sure that the district understands the question and has reported accordingly. Now ask for the number of students in this category enrolled at the elementary and intermediate levels. If this number is 20 or greater, it is assumed that the district is in noncompliance with Title VI.

V. Cross Validation of Item 2(a)/Materials and Curriculum for Programs Designed for Students Whose Primary or Home Language is Other Than English.

Step 12

Check Items 7(a) and 7(b) to make sure that the district has submitted information pertinent to these Items. If not, secure such information from the district. This information serves to cross validate Item 2(a). In other words, we want to be certain that the district does indeed operate a program for students of limited English-speaking ability. In Item 7(a), the district should report something that shows that the district does not operate a superficial program. In Item 7(b), the district must explain how the curriculum for the students reported under Item 2(b) is actually different than the curriculum that is used as part of the regular school program and is designed for the students in question. While this evaluation is, to some degree, subjective in nature, you should be able to make an evaluation as to the level of effort made by the district to operate a program for students of limited English-speaking ability. If you and your Lau coordinator feel that the information submitted under this Item is insufficient to make such an evaluation, call the district for the information you feel you need. Verify all such conversations with a "telephone memorandum" and have this confirmed, in writing, from the district. Your Lau coordinator should ultimately be able to make a determination as to whether or not the information, or lack of it, finally submitted by the districts warrants review by your Regional Attorney to determine the compliance status of the district under Lau.

VI. Special Education

Step 13

Before proceeding to Item 8, check the OS/CR 101 to see if there are any racially/ethnically isolated or identifiable special education programs in the district (OS/CR 101, VIB 1-5). If there are none, proceed to Step 14 (below). If the districts does have such racially/ethnically identifiable special education programs, check the total of Columns A + B of Item 3 (Item 3, Column totals A + B) to see that this total equals 20 or more (Item 3, column totals A + B = 20 or more). If so, in Item 8 perform the following functions:

A. First check Column C to see if the district is or is not using an instrument for the purpose of screening, placing or evaulating the progress of students of limited English-speaking ability in the racially/ethnically, isolated or identifiable special education program.

B. Next check Column B to see that the type of instrument agrees with the prupose for administering it as reported under Column C.

C. Next check Column A to make sure that the name of the instrument is reported. If not listed, obtain it from the district.

D. Next check Column G. If "yes" is entered, which shows that verbal instruction to students is necessary, proceed to Column H to make sure that the tester in addition to being qualified and/or certified to adminster this instrument is either "fluent" or "fairly fluent". If the term "not fluent" is entered for this tester, it is not sufficient. If "no" is listed in Column G check Column H to be sure that the tester is qualified and/or certified to administer such instrument and next check Column D to see if the instrument is administered in the necessary languages (Primary or Home Languages reported under Item 3)

E. Check Column F to make sure that either the letter "I" or "G" or both is listed for this instrument. If this Column is left blank, call the district and obtain the necessary information.

F. Check Column E and make sure that the name of the publisher appears therin. If the instrument(s) are anything but State or locally developed, ask your *Lau* coordinator to verify the appropriateness of the instrument and to cross verify all the listed information on the instrument, including a check on the EEOC 168, Item 9, validating psychological staff employed by the district. If the instrument *is* State or locally developed a form entitled "Information on all State or Locally Developed Assessment Instruments" (attachment A) must be sent to the district and/or State for completion before a determination of the appropriateness of the instrument can be made.

If the distirct does show racially/ethnically isolated or identifiable special education programs in operation, but the total Columns A and B of Item 3 is less than 20, (Item 3, Column totals A + B = 19 or less), treat as a regular special education investigation.

VII. Classroom Segregation

Step 14

At this point check the OS/CR 102's to see if there are any racially/ethnically isolated classes and/or a substantial number of racially/ethnically identificable classes. If none, proceed to Step 15. However, if such classes do exist and the total or Columns A + B of Item 3 equals 20 or more (Item 3, Column totals A + B = 20 or more) check Item 8 for the following:

A. First check Column C to see if the district is or is not using an instrument to place students in such classes or instructional situations. If the district is using such an instrument for ~~the~~ this purpose, call the district to obtain the weight given to the results of such an instrument. Verify all such conversations with a "telephone memorandum" and have this confirmed, in writing, from the district.

B. Next check Column B to see that the type of instrument agrees with the purpose for administering it, as reported under Column C.

C. Next check Column A, to make sure that the name of the instrument is reported. If not listed, obtain from the district.

D. Next check Column G. If "yes" is entered, which shows that verbal instruction to students is necessary, proceed to Column H to make sure that the tester in addition to being qualified and/or certified to administer this instrument is either "fluent" or "fairly fluent". If the term "not fluent" is entered for this tester it is not sufficient. If "no" is listed in Column G, check Column H to be sure that the tester is qualified and/or certified to administer such instrument and next check Column D to see if the instrument is administered in the necessary languages (Primary or Home Languages reported under Item 3).

E. Check Column F to make sure that either the letter "I" or "G" or both is listed for this instrument. If this Column is left blank, call the district and obtain the necessary information.

F. Check Column E and make sure that the name of the publisher appears therein. If the instrument(s) are anything but State or locally developed, ask your Lau coordinator to verify the appropriateness of the instrument and to cross verify all the listed information on the instrument. If the instrument is State or locally developed, a form entitled "Information on all State or Locally Developed Assessment Instruments" (Attachment A) must be sent to the district and/or State for completion before a determination of the appropriateness of the instrument can be made.

If the district does show any racially/ethnically isolated classes and/or a substantial number of racially/ethnically identifiable classes, but the total columns of A and B of Item 3 is less than 20 (Item 3, column totals A + B = 19 or less), treat as a regular "grouping practice" investigation.

Step 15

Please complete a routine "paper review" of all districts to be investigated under this initial *Lau* review. These paper reviews should include the following checks:

A. Racially/ethnically isolated and/or identifiable schools.

B. Racially/ethnically identifiable suspensions and expulsions.

General Information

Once the analysis is completed, one of the following determinations must be made:

A. Compliance with Title VI (*Lau*)
B. Noncompliance with Title VI (*Lau*)
C. Further investigation under *Lau* needed (on-site review)

~~For~~ If a determination of noncompliance with Title VI (*Lau*) is made, develop a letter of noncompliance which is to be worded in such a manner so as to say "according to the information submitted by the district (and telephone conversations with members of my staff), the Office for Civil Rights contends that the district is in noncompliance with Title VI (*Lau* v. *Nichols*). It is now the district's responsibility to show OCR that we are wrong and why". After this stage, proceed as if it were a regular case.

In all cases where a violation is not clear, meet with your ~~Office for~~ Regional Attorney to clarify all nebulous areas *before*.

developing and forwarding a letter of noncompliance.

If your *Lau* coordinator is unable to resolve any problems he/she has been asked to call the appropriate persons at Headquarters in Washington for such resolution. *Please do not call headquarters yourself*, as the number of incoming calls would be prohibitive.

If, during the *Lau* analysis, other OCR problem areas have been brought to your attention concerning a given district, but the district looks clear under *Lau*, bring this to the attention of your Education Branch Chief. He/she will direct you from here concerning further action.

If the districts appear to be free of *Lau* compliance problems, so inform the district. ?

Copies of all correspondence under this effort should be maintained at the Regional Office. Copies of all such correspondence should be sent to the Chief State School Officer and to Dr. Lloyd R. Henderson, Director of the Elementary and Secondary Education Division of OCR in Room 3228 of HEW - North Building, 330 Independence

Avenue, S.W. in Washington, D.C. 20201. Mark all copies of such correspondence to Dr. Henderson with Lau written in the upper right hand corner.

In some cases a noncompliance or compliance determination may not be made without an on-site review. If it is felt that an on-site review is necessary, so inform your Education Branch Chief. He/she will direct you from here concerning further action.

REPORTING REQUIREMENT
This report is required by Title VI of the Civil Rights Act of 1964. Section 80.6(b) of HEW Regulation (45 CFR 80), issued to carry out the purposes of Title VI of the Civil Rights Act of 1964, provides:

"COMPLIANCE REPORTS. Each recipient shall keep such records and submit to the responsible Department official or his designee timely, complete reports at such times, and in such form and containing such information as the responsible Department official or his designee may determine to be necessary to enable him to ascertain whether the recipient has complied or is complying with this regulation. For example, recipients should have available for the Department racial and ethnic data showing the extent to which members of minority groups are beneficiaries of and participants in federally assisted programs."

INSTRUCTIONS

COMPLIANCE REPORT ON INSTRUCTIONAL SERVICES FOR STUDENTS WHOSE PRIMARY OR HOME LANGUAGE IS OTHER THAN ENGLISH

WINTER 1975

U. S. Department of Health, Education and Welfare

Office for Civil Rights

Washington, D. C.

RESPONSIBILITY FOR COMPLETING THIS REPORT. The Office for Civil Rights has requested that the Chief State School Officer of each State be responsible for the completion of the attached Compliance Report. The Chief State School Officer may forward the Report to the relevant local education agency for completion. The instructions below should be closely observed by persons completing the Report.

GENERAL INSTRUCTIONS. The Compliance Report on Instructional Services For Students Whose Primary Or Home Language Is Other Than English consists of a two-page report form printed as an original and three copies. When the form has been completed, return the original labelled REGIONAL OFFICE OCR and the copy labelled HEADQUARTERS OCR to the Regional Office for Civil Rights whose address is given below under MAILING INSTRUCTIONS. One copy may be retained in the files of the local education agency and one copy may be filed with the State education agency. This Report is due March 15, 1975.

Questions regarding completion of the Report should be directed to the address given below under MAILING INSTRUCTIONS.

DEFINITIONS. For the purposes of this Report, certain terms may need clarification.

Under Item 1. A student's primary or home language is that language other than English which meets at least one of these descriptions: (1) The student's first acquired language was other than English, (2) The language most often spoken by the student is other than English, or (3) The language most often spoken in the student's home is other than English, regardless of the language spoken by the student.

Under Item 2. This item applies to a program in which teachers are using a language in addition to English to instruct students in such subjects as mathematics, science, history, etc. (Examples: science taught in Spanish, history taught in Navajo), or to a program in which teachers are teaching English to students whose primary or home language is other than English in such a manner that the instruction is designed specifically for these students and differs substantially from other English or language courses offered as part of the regular school program designed for students whose native language is English. This question does NOT apply to the teaching of a foreign language.

Under Item 3(c). **AMERICAN INDIAN:** Persons considered by themselves, by the school, or by the community to be of American Indian origin.

BLACK AMERICAN: Persons considered by themselves, by the school, or by the community to be Black or of African or Negro origin.

ASIAN AMERICAN: Persons considered by themselves, by the school, or by the community to be of Chinese, Japanese, or other Asian origin.

SPANISH SURNAMED AMERICAN: Persons considered by themselves, by the school, or by the community to be of Mexican, Central American, or other Spanish origin.

MAILING INSTRUCTIONS

Please return the original copy labelled REGIONAL OFFICE OCR and the copy labelled HEADQUARTERS OCR to the address below. Copies are labelled for the Local Education Agency files and for State Education Agency files and should be retained for use by those agencies.

THIS REPORT IS
DUE MARCH 15,
1975

HEW # OS 11-74
OMB 85 - S74023
Expiration Date: Dec. 31, 1975

COMPLIANCE REPORT ON
INSTRUCTIONAL SERVICES FOR STUDENTS WHOSE PRIMARY
OR HOME LANGUAGE IS OTHER THAN ENGLISH
Required Under Title VI of the Civil Rights Act of 1964
U. S. Department of Health, Education, and Welfare, Office for Civil Rights

PURPOSE OF THIS COMPLIANCE REPORT

The purpose of this Compliance Report is to provide the Department of Health, Education, and Welfare, Office for Civil Rights, with information on the programs this school system has designed for children whose primary or home language is other than English, and on the types of instruction being provided. This information will be used by the Office for Civil Rights in determining the compliance status of this school district pursuant to the provisions of Title VI of the Civil Rights Act of 1964 and, more recently, the decision of the United States Supreme Court in the case of *Lau v. Nichols*, January 1974.

IDENTIFICATION OF SCHOOL SYSTEM

Name of School System ______________________________

Address ______________________________ Telephone Number ______________

City or Town ______________ County ______________ State ______________ Zip Code ______________

Item 1. Report the number of students in this school system whose primary or home language is other than English. *SEE INSTRUCTIONS.* ______

Item 2. (a) Report the number of teachers in this school system who teach any subject-matter (other than foreign language instruction) in a language other than English (Example: science taught in Italian) or English as a Second Language. *SEE INSTRUCTIONS.* (a) ______

(b) How many students receive such instruction? (b) ______

(c) How many students receiving such instruction are minority (American Indian, Black American, Asian American or Spanish Surnamed American)? *SEE INSTRUCTIONS.* (c) ______

Item 3. Identify below the primary or home language of the students reported under Item 1. In the columns, enter the number of students by degree of ability in that language. If some students speak two or more languages other than, or in addition to English, count the student only once in what is considered to be his/her most fluent language other than English. The grand total of column "F" must equal the number of students reported under Item 1. If the grand total does not equal the number reported under Item 1, please explain why. If additional space is required, use separate sheets of paper and identify by number and letter the item to which the continuation corresponds. The column totals should still be reported on the indicated line even if continuation sheets are used.

EXAMPLE

Spanish	20	22	15	8	[illegible]	69
Polish	[illegible]	20	20	8	[illegible]	65
Hungarian	5	10	[illegible]	[illegible]	[illegible]	30
	[illegible]	[illegible]	50	[illegible]	[illegible]	164

Primary or Home Language Other Than English	A Speak Only This Language	B Speak Mostly This Language and Some English	C Speak This Language and English Equally	D Speak Mostly English and Some of This Language	E Speak Only English	F Line Totals
Column Totals						(Must Equal Item 1)

Item 4. From the column totals in Item 3, report the number of students, by column, receiving the kind of instruction identified under Item 2.

A	B	C	D	E	F

Item 5. Explain the method(s) employed to determine the degree of linguistic function or ability of the students reported under Item 3. If additional space is required, use separate sheets of paper and identify by number the item to which the continuation corresponds.

Item 6. How many students identified under Item 1 are kept from progressing at their grade level in subjects other than English until English language ability is acquired? ______

Item 7. (a) List all instructional materials (name textbooks, pamphlets, audio/visual materials, etc.) used by the district which are designed specifically for the instruction of the types of students reported under Item 1. DO NOT INCLUDE regular foreign language materials used for or by students whose primary or home language is English.

(b) Explain how the curriculum for these students differs from the curriculum used as part of the regular school program. If additional space is required, use separate sheets of paper and identify the item to which the continuation corresponds.

REGIONAL OFFICE OCR

Page 2 HEW Form OS 11-74

COMPLIANCE REPORT ON INSTRUCTIONAL SERVICES FOR STUDENTS WHOSE PRIMARY OR HOME LANGUAGE IS OTHER THAN ENGLISH

Item 6. Report below the requested information for all criterion-referenced, standardized, and state and locally-developed tests used for student placement, screening, or program evaluation and all health tests ([illegible] Examples: Sight and Hearing) administered to students identified in Item 1. Exclude those tests used solely to establish a student's grade for a particular course. If additional space is required, use separate sheets of paper and identify the column to which the continuation corresponds.

Column A — Report the name of the instrument.

Column B — Report the type of instrument (For example: I.Q., achievement, etc.)

Column C — Report the purpose for administering such an instrument, including all instances where the scores are utilized to place students in any type of instructional situation.

Column D — Report the languages in which these instruments are written.

Column E — Name the publisher of the instrument. If state or locally developed so indicate.

Column F — Enter the letter "I" if the test is individually administered or the letter "G" if the test is group administered.

Column G — Enter "Yes" if verbal instruction to students is necessary to administer the instrument. If not, enter "No."

Column H — List the position title of the tester and the tester's qualifications and certification, including the languages spoken other than English. Denote the proficiency of the tester in those languages as the tester perceives such proficiency. Use the terms "fluent," "fairly fluent," or "not fluent."

Column A	Column B	Column C	Column D	Column E	Column F	Column G	Column H

Certification I certify that the information given above is true and correct to the best of my knowledge and belief. (A willfully false statement is punishable by law (U. S. Code, Title 18, Section 1001).)

Signature of Person Furnishing Information

(Area Code) Telephone Number

Date Signed

REGIONAL OFFICE OCR

Mr. **Blouin.** The subcommittee will be adjourned until tomorrow afternoon, when we have a series of witnesses on school construction. Thank you.

[Whereupon, at 2:45 p.m., the subcommittee adjourned, to reconvene at 9 a.m., Friday, October 7, 1977.]

[Additional material submitted for inclusion in the record follows:]

A Testimonial
U.S. House of Reperesentatives Advisory Group on Indian Education
of the Committee on Education and Labor

-prepared by Dr. Blossom Keeble
October 4, 1977

> We only ask that a new system be introduced which will bring ourselves, our Sioux language, and our lifestyles into a parternship with the schools, thereby causing an attitude which will permit us to feel that this education is also ours...(Dr. L. Bordeaux, President of Sente Gleska College, Rosebud Reservation, Rosebud, South Dakota; 1975.)

Greetings:

Most Honorable U.S. House of Reespresentatives Advisory Study Group on Indian Education of the Committee on Education and Labor:

I am Dr. Blossom Keeble, Indian educator of many years in the following fields: classroom teacher, principal, researcher in Sioux and bilingual education, and [illegible] lifetime of working with Indian Americans (see attached for further details).

Perhaps, more importantly, I am a member of the Sisseton-Wahpeton Sioux Tribe of Lake Traverse, Sisseton, South Dakota.

My present position is coordinator of curriculum materials and teacher training in bilingual education in Sioux and English. I am also a Dakota language instructor on the secondary level. I was recommended for this position by the Sisseton Education Board. The recommendation was accepted and implemented by school officials.

This testimony does not deal with any new issues, new problems, or new solutions to the problems central to minorities in public school education. I will briefly touch on three major issues:

1) permanent and adequate funding for meeting special linguistic-cultural needs of Dakota students in public school education; permanent and adequate funding for basic needs support for Indian students in public schools located on the reservation;

2) the continuation of implementation of bilingual-bicultural education as a means for equalization of educational opportunities for minority students;

3) the third major issue is the need for professionally trained Indian staff input into education which affects Indian children in the public schools.

It is my considered opinion that both basic support and special educational needs of Indian children must be funded. Both programs are interdependent for success. The Sisseton Public Schools must continue with the implementation of bilingual and bicultural courses on the elementary levels, and with some screening, on the secondary levels. In order to accomplish better race relationship between the non-Dakota and Dakota child, it is vital that these courses be open to all who are interested, for it is ignorance of language and culture that produces lack of understanding between races.

The bilingual education is a highly complex area. It is not possible to present the many issues that face bilingual education and its goals. However, it will be sufficient to present the following recommendations for language policy in Indian education which follows as:

1) when a student enters school speaking a non-standard local varient of English, teachers should take care to adopt an accepting attitude toward the child's language and learn to build on the linguistic resources he brings to school. Teachers need to know the following specific goals: a) be given technics for determining where the child is linguistically; b) learn how to build on this linguistic competance a child brings to school, and use it as a resource in their teaching. In addition to this, research is urgently needed to determine the nature of local varieties of English and the degree to which they may impede the comprehension of and development of control over standard english.

2) where children enter school speaking only standard English, the standard English curriculum of the area should be adapted to meet the cultural needs of the children. References are needed to counteract the negative stereotype of Indians to which the students are exposed, their sources including American literature, and to provide positive models for the students to increase their self-esteem and their pride in their identity as members of the Dakota Sioux Tribe.

3) in addition to being used as the beginning language of instruction, where appropriate ancestral language should be taught on all levels, as stated earlier. These levels should include elementary, secondary, and college levels. This particular recommendation has been implemented on all these levels in the State of South Dakota. The critical comment here is this type of language instruction should be considered over a long term period.

The ability to speak an Indian language is rapidly becoming recognized as a mark of Indian identity and interest in the teaching of Indian language is growing among young people, including many who are only English speaking as well as among tribal elders who wish to preserve ancestral traditions. Additional funds should be provided and personnel prepared for the development of instructional materials appropriate for Dakota children, especially in regard to Dakota language and culture.

Another final recommendation is a position of a language development specialist. The individual should work directly with the schools. Attitudes can be studied and researched. This type of research study will involve not only the student but the family and community as well.

The third major area is the need for professionally trained Indian staff. The main issue is not to sacrifice professional staff for untrained Indians simply because they are of Indian blood.

In conclusion, adherring to the Indian Policy Review Commission report, the following is quoted from the response of Senator Abourezk:

> We in the Congress are now facing the important task of considering and implementing these recommendations and I am confident that we will respond favorably to the Commission mandate to PRESERVE A PROUD SELF_SUFFICIENT AND CULTURALLY DISTINCT INDIAN HERITAGE.

(signed)

Dr. Blossom Keeble, Coordinator of Bi-
cultural Curriculum Teacher Training

INDIAN EDUCATION—OVERSIGHT

Part I: Supplemental Programs

FRIDAY, OCTOBER 7, 1977

House of Representatives,
Subcommittee on Elementary, Secondary, and
Vocational Education,
Committee on Education and Labor,
Washington, D.C.

The subcommittee met at 9:10 a.m., pursuant to notice, in room 2261, Rayburn House Office Building, Hon. Michael Blouin, presiding.

Staff present: Alan Lovesee, counsel; John Forkenbrock, staff director; Scherri Tucker, assistant clerk; Christopher Cross, minority senior education advisor; and Ms. Wysong, minority staff.

Mr. **Blouin**. The subcommittee will come to order. Today the Elementary, Secondary, and Vocational Education Subcommittee of the House Education and Labor Committee, in conjunction with the Advisory Study Group on Indian Education, is holding its hearings addressing Indian education. Today, we will specifically address Public Law 92–318, the Indian Education Act of 1972, commonly referred to as title IV.

Our hearing today has a special aspect, since title IV is up for reauthorization next year, and since the advisory study group is still formulating its recommendations regarding title IV and all supplemental groups.

I want to thank the witnesses for coming today and I ask the representatives from the Office of Indian Education to come forward. I understand they are here now at the table.

I especially want to welcome Dr. Gipp, who is relatively new at his position. We look forward to working with you in this program.

As we understand it, we have copies of all of your statements. They will be submitted for the record in total. Feel free to summarize: start wherever you like and go.

[The prepared statement of Dr. Gipp follows:]

page 262 blank.

FOR RELEASE UPON DELIVERY

Statement by
Dr. Gerald E. Gipp
Deputy Commissioner
Office of Indian Education
U.S. Office of Education
Department of Health, Education, and Welfare
Before the
Subcommittee on Elementary, Secondary, and Vocational Education
and the
Advisory Study Group on Indian Education
of the
Committee on Education and Labor
U.S. House of Representatives
Friday, October 7, 1977
9:00 a.m.

Dr. Gipp is accompanied by:

Dr. Harry L. Phillips, Deputy Assistant Commissioner for Legislation, U.S. Office of Education, HEW

Mr. Chairman and members of the Committee

I am pleased to appear before you today to provide information on the status of programs and activities authorized by the Indian Education Act.

First, I would like to present a brief history of events leading to the enactment of the Act, as well as significant events occurring since that time.

On June 23, 1972, the Indian Education Act of 1972 was signed into law as Title IV, Public Law 92-318 (Education Amendments of 1972). The Indian Education Act, a Congressional declaration of policy of recognition of the special educational needs of Indian students in the United States, was designed to improve the quality of education Indian people receive by providing financial assistance to public school districts and to Indian tribes and organizations throughout this country.

The Indian Education Act of 1972 was not the first Federal Congressional effort to meet the special educational needs of Indian persons. For example, in 1934 the Johnson O'Malley Act made Federal funds available for scholarships and related expenditures on behalf of Indian students. In 1950, Public Laws 815 and 874 were enacted, providing funds to compensate local school districts for tax revenue lost because of nontaxable Federal properties or operations in or near the school districts. In 1965, under Title I of the Elementary and Secondary Education Act (ESEA), Federal funds were made available to school districts reporting high concentrations of low-income families so that special programs might be offered for all classes of "disadvantaged pupils" in attendance, including disadvantaged Indian pupils. Although 70 percent of all Indian pupils residing in public school districts were reported in 1970 to be "disadvantaged" and therefore eligible to participate in ESEA, Title I, Federally funded programs, only one-fourth were actually enrolled in such programs. The Senate Report of 1969 "Indian Education: A National Tragedy--A National Challenge" further reinforced the need for legislatively mandated changes in order to insure maximum quality education for Indian persons throughout the country.

Although many Federal education programs have benefited Indian students to some extent, over the years there has been no coordinated effort among them to focus on the specific special educational requirements of Indian students. The Indian Education Act was developed in 1972 to respond to the need for legislation that would more clearly focus on a realistic distribution of Federal funds specifically earmarked for the design and implementation of education programs for Indian students.

During the 1971-1972 Congressional deliberations on the legislation which became the Indian Education Act, the existing Administration at that time did not make specific program proposals on Indian education. However, the Congress did enact the Education Amendments of 1972, which included the Indian Education Act (P.L. 92-318).

There are five parts to the Indian Education Act of 1972. These are Parts A, B, C, D and E and are listed in more detail in Table 1, along with their purpose, and for those parts with funding provisions, the

TABLE I
DESCRIPTION OF THE INDIAN EDUCATION ACT

PART	PURPOSE	GRANT TYPE	
A	Projects for meeting the special educational needs of Indian children (90% of funding)	Entitlement	LEA
	Financial assistance to schools on or near reservations (10% of funding)	Discretionary	Indian controlled Non-LEA on or near reservations
B	Special projects for Indian children:		
	810(b) Pilot, planning, and demonstration 810(c) Educational services not available and exemplary and innovative 810(d) Pre-service and in-service teacher training 810(e) Dissemination and evaluation	Discretionary	810(b) Indian tribes, organizations and institutions, Federally supported schools, SEA, LEA 810(c) SEA, LEA, Indian community organizations 810(d) Institutions of higher education LEA or LEA's combination with IHE. 810(e) Indian tribes, organizations and institutions, public agencies and institutions.
	Section 422: Teacher training modifies	Discretionary	Indian tribes and organizations
	Section 423: Fellowships in engineering, medicine, law, business, forestry and related fields	Discretionary	Graduate and professional level students
C	Special projects for Indian Adults: 1. Pilot, planning and demonstration for employment and educational opportunities 2. Basic literacy and high school equivalency 3. Innovative programs 4. Surveys and evaluations 5. Dissemination and evaluation	Discretionary	1) Indian tribes, institutions and organizations 2) SEA 3) LEA
D	Establishes the Office of Indian Education the Deputy Commissioner and the National Advisory Council on Indian Education		
E	Miscellaneous provisions		

eligible grant recipients. In constructing this legislation, four objectives were considered:

-The direct targeting of funds from the Federal level to public school districts and Indian tribes and organizations serving Indian students.

-Allowance for funding to be spent to meet the special educational needs of Indians.

-Maximization of the degree of local Indian community involvement with, and control over, the educational programs serving their children.

-To expand the definition of an Indian to include members of non-Federally recognized tribes and to exclude any blood quantum requirements.

Part A of the Indian Education Act provides financial assistance to local education agencies (LEAs) and non-LEAs on an entitlement basis according to the number of Indian or Alaskan Native students enrolled, multiplied by the State average per pupil expenditure. Eligible applicants are those school districts with at least 10 pupils. If there are fewer than ten, then the Indian enrollment must constitute one-half or more of the district's total enrollment. This eligibility requirement does not apply to districts serving Indian children in Alaska, California, Oklahoma, and those located on or near an Indian reservation.

Five percent, subsequently amended to a 10% amount, was reserved under Part A for non-LEAs. Non-LEAs are defined as Indian schools on or near reservations which are not local educational agencies or have not been LEAs for more than three years. From this reserve, discretionary grants are awarded on a competitive basis to applicant eligible schools.

Part A of the Indian Education Act is consistent with the philosophy of the Indian Self-Determination and Education Assistance Act of 1975, P.L. 93-638, which is intended to provide full participation by Indian people in programs designed to assist them. In applying the principle of self-determination, parent participation through parent committees is a requirement for an LEA to receive Part A funding. Indian parents participate in the planning, budgeting, operation, and evaluation of the program. The premise is that parent participation will improve not only the quality of the program, but more importantly, the educational achievement and attainment of Indian children.

Part B of the Indian Education Act authorizes grants to support planning, pilot, and dissemination projects; educational services not otherwise available; examplary educational programs; pre-service and in-service training for educational personnel; and, the dissemination of information and materials. Grants are made on the basis of national competition to Indian tribes, organizations, and institutions, State and local educational agencies, Federally supported elementary and secondary schools for Indian children and individuals.

Part C of the Indian Education Act supports planning, pilot, and demonstration projects which are designed to improve educational opportunities for adult Indians. Grants are made on the basis of national competition to Indian tribes, institutions, and organizations, and State and local educational agencies.

Under Parts B and C, grant awards may be made for multiple-year projects. Where assistance is provided for such projects, grant awards are made for grant periods of one-year duration with continuation awards for second and third years, subject to satisfactory performance and availability of funds in future fiscal years.

Part D of the Indian Education Act establishes the Office of Indian Education (OIE) as a bureau within the Office of Education to be headed by a Deputy Commissioner. It also establishes the National Advisory Council on Indian Education composed of 15 members appointed by the President.

Part E[*] of the Indian Education Act authorizes 5 percent of appropriated funds of the Higher Education Act for the preparation of teachers for Indian children, with preference granted to Indian teachers. Part E also allows the Commissioner of Education to designate certain schools on or near reservations to be classified as "local educational agencies" for purposes of the Act.

In 1974, the Indian Education Act was extended by Title IV, Part C of P.L. 93-380, The Education Amendments of 1974, through Fiscal Year 1978 with several amendments. These amendments include: (1) the 5 percent set-aside provision for non-LEAs in Part A was increased to 10 percent; (2) a new provision authorized fellowships for professional and graduate study in the areas of medicine, law, business, forestry, engineering, and related areas; and, (3) eligibility for teacher training programs was extended to Indian tribes and organizations.

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[*] Part E of the Indian Education Act was an amendment to Part D, Title V (Education Professions Development Act) of the Higher Education Act. As EPDA was phased out, the preparation of teachers for Indian children has been carried out under Part B of IEA.

I would now like to describe the operation of the Office of Indian Education. We administer grants to elementary and secondary schools designed to meet the special educational needs of Indian children. The OIE also provides grants to and makes contracts with eligible institutions, organizations, agencies or Indian tribes for special programs and projects to improve educational opportunities for Indian children and adults. Additionally, the Deputy Commissioner for Indian Education coordinates other efforts to improve educational opportunities for Indians at all educational levels.

The following operational components comprise the Office of Indian Education:

Office of The Deputy Commissioner
Executive Office
Planning Office
Division of Local Educational Agency Assistance
  Area I Grants Management Branch
  Area II Grants Management Branch
Division of Special Projects and Programs
  Elementary and Secondary Special Projects Branch
  Adult and Non-LEA Branch

The scope of our work under Part A encompasses over 3,000 local educational agencies eligible for funding under Part A. During Fiscal Year 1977, 1,132 eligible agencies applied for funds to plan, develop, and/or operate programs designed to meet the special educational needs of Indian children. Of the applications received, 1,029 grants were awarded. Approximately 296,000 children were enrolled in LEAs receiving Part A grants. These grants average approximately $114 per child. In Fiscal Year 1977, 28 non-LEA grants were awarded.

Projects funded under this part range from part-time ancillary services to full-time basic education and cultural enrichment programs. In order to assure the most effective operation of this service program for Indian children, the following activities have been undertaken:

(1) So that program funds focus on addressing the special educational needs of Indian children as specifies in the legislation, a technical review of applications for both LEAs and non-LEAs was conducted to ensure compliance with the provisions of the law. In addition, as projects were funded, a monitoring system for ensuring adequate program management was implemented. During the period of project performance, as program administration resources permitted, site visits were made to selected project sites and technical assistance was offered to projects requesting it. A national conference with grantees was held to ensure the maximum dissemination of information relating to quality educational practices;

(2) To ensure full participation of the Indian community in the planning, implementation, and evaluation of these projects, a management reporting system was instituted in which Indian parent committees reveiwed and reported on the management of Part A, LEA grants. This objective was supported by the development of a "Part A Parent Committee Information Kit" which provided detailed information of the planning, development, and operation of programs under Part A;

(3) To identify successful or promising educational practices, an extensive review was conducted, for both LEAs and non-LEAs, of project cost and performance data in accordance with acceptable educational criteria;

(4) To ensure educational reform in Indian-controlled (non-LEA) schools, an intensive planning program, fully coordinated with the Bureau of Indian Affairs, was established. Specific objectives include identification and dissemination of quality educational products and processes, testing of the effects of funding levels up to $2,000 per child in a unique educational environment and evaluation of academic, economic, and social progress obtained through such a program; and

(5) To upgrade the quality of educational evaluation at the local level, an Indian Education Evaluation Handbook, containing an extensive system for self-evaluation of educational programs, was disseminated to all grantees for their use.

Next, I would like to discuss Part B, which authorizes grants to support planning, pilot, and demonstration projects; educational services not otherwise available; and the dissemination of information and materials. Grants are awarded on the basis of national competition among Indian tribes, organizations and institutions, State and local educational agencies, and Federally supported elementary and secondary schools for Indian children. The applications generally call for cultural and educational enrichment programs and services.

Established approval criteria include the following:

1. a statement describing the activities for which assistance is sought;
2. information showing that the purpose and scope of the proposed project fall within the scope and intention of Part B of the Indian Education Act;
3. provisions for training the personnel participating in the project; and,
4. provisions for evaluating the effectiveness of the project in achieving its purpose.

The strategy for Part B projects is to address the educational needs of the Indian community by stressing local Indian community support. Since both Indian community and school system personnel are involved in most projects from the needs assessment through the final evaluation, the entire project develops as a venture based on coordination of effort to achieve a specific goal.

In Fiscal Year 1977, 85 Part B grants were awarded, based on the receipt of 447 applications to support planning, pilot, and demonstration projects. The approved projects dealt with the development of bilingual/bicultural programs, instructional materials and media centers, compensatory education, cultural enrichment, dropout prevention, and vocational training. In addition, about 205 fellowships are expected to be awarded in the areas of medicine, law, business, forestry, engineering, and related areas.

In general, funded projects reflected the special educational needs of the local communities. It has been based on our experience that the most effective projects are those which invest the largest dollar amounts on special staff--professional, para-professional, and non-professional. The most effective staff members appear to be those who have special abilities to perform successfully in areas that address the special needs of Indian students and who have the necessary qualities of awareness of, and sensitivity to, the needs of Indian students.

The immediate program goals are to:

1. develop model programs for public schools and alternative schools;
2. develop a dissemination network to ensure the transfer of educational delivery systems from the model and demonstration stages to schools;

3. provide innovative and capacity building efforts in areas of educational need having high priority on a national basis; and,
4. provide basic educational services which will address needs not being met by other programs intended for Indian children.

The long-range program goals are to:

1. fill existing gaps in the provision of educational services to Indian children. The emphasis given to such a service orientation will be dependent on funding levels provided by other Federal programs, such as Johnson O'Malley and ESEA Title I; and
2. establish an adequate number of validated approaches toward meeting the special educational needs of Indian children.

Under Part C, the statute calls for us to provide assistance to State and local educational agencies and to Indian tribes, institutions, and organizations to support planning, pilot, and demonstration projects serving adult Indians. Such programs include (1) those which enable participants to obtain high school diplomas, improve their communication skills, and participate in career development activities; (2) research and development programs to create more innovative and effective techniques for achieving the literacy and high school equivalency goals; (3) surveys and evaluations to define accurately the extent of problems of illiteracy and of failure to complete high school among adults on Indian reservations; dissemination of information concerning educational programs, services and resources available to Indian adults as well as the evaluation of the effectiveness of such programs.

The immediate objectives of part C are:

1. To increase the number of high school equivalency diploma graduates;
2. To encourage increased enrollment in continuing education programs through the use of culturally relevant materials;
3. To develop, test, and implement innovative and effective educational models and teaching strategies for achieving literacy and high school equivalency; and,
4. To coordinate with adult education and GED programs administered by other Federal agencies.

The long-range goal of Part C is to work toward elimination of illiteracy among Indian adults by providing high school equivalency diploma training to a significant proportion of the adult Indian population between the ages of 20 and 59 by 1985 and to have created validated models in basic literacy and GED training available for installation as service programs.

Next, I would like to discuss the evaluation of the various parts of the Indian Education Act.

An evaluation of Part A is presently being conducted. This study commenced in July, 1976 and will be approximately two and one-half years in duration. One of the primary goals is to identify feasible evaluation criteria to support future impact evaluation studies. This evaluation study will identify nonfiscal obstacles which prevent programs and projects from achieving their full potential. This effort is intended to document program results in relation to the funds committed and to recommend administrative or legislative improvements that may be required to remove obstacles to program effectiveness.

Although no national program evaluation has been completed to date, individual project evaluations, as reported by grantees, have been thoroughly analyzed. In addition, a process evaluation survey to investigate how Indian Education Act Projects are being planned, operated, and evaluated was conducted in 1974. These two data sources provide a basis for tentative conclusions regarding the functioning of projects.

Based on Fiscal Year 1975 analyses, 21 percent of Part A projects were directed toward altering the high dropout and absentee rates, low grades and test scores and the lack of basic skills. Twenty percent of all Indian Education Act Projects were directed toward correcting curriculum inadequacies, especially in the area of Indian studies, language arts, remedial math and reading. Also, 14 percent of the projects were directed toward meeting special service inadequacies, particularly a lack of counseling, tutorial and community relations programs. These data suggest that the public school system is changing to provide educational support to Indian students, rather than making the child fit the school system.

An essential component of programs funded under the Indian Education Act is the involvement of Indian people. The process evaluation survey conducted in 1974 provides some insight into the diversity of involvement of the Indian community and Indians within the school systems. Parent committees are not limited to one area of planning, operation, or evaluation of IEA programs, but are involved in numerous areas of all three processes. The following tables summarize an extensive amount of information collected about parent and community-at-large involvement in IEA Part A.

TABLE 2
PARENT COMMITTEE INVOLVEMENT IN PLANNING IEA PROGRAMS

	Percent of Districts
Obtained community input about the needs of Indian school children	83%
Determined which services are more needed than others	82%
Helped in developing the application for funding the program	83%
Approved the application for funding after it was developed	86%
Reviewed nominations for Indian Education Act program staff (e.g., teachers, counselors)	61%
Determined how the budget for this district's IEA program(s) is to be spent	73%
Determined how target schools for this district's IEA program(s) are to be selected	65%
Determined how Indian pupils participating in this district's IEA program(s) are to be selected	74%
Participated in planning IEA program(s) in other ways	34%

TABLE 3

PARENT COMMITTEE INVOLVEMENT IN THE OPERATION OF THE IEA PROGRAMS

	Percent of Districts
Selected services to meet the needs of particular pupils or schools	71%
Approved or recommended persons for staff in the IEA program(s)	69%
Worked voluntarily in the IEA program(s)	61%
Worked for pay in the IEA program(s)	38%

TABLE 4
COMMUNITY-AT-LARGE* INVOLVEMENT IN IEA PROGRAMS

	Percent of Districts
Volunteer tutors in reading	17%
Volunteer tutors in math	14%
Volunteer helpers in other classroom instructional activities	28%
Volunteer helpers in management (e.g., helping in the lunchroom)	21%
Volunteer helpers in supervision of field trips	60%
Paid classroom aides or similar kind of employees	52%
Participants in planning parent committee activities	65%
Participants in evaluating IEA programs	53%
Participants in other ways	26%

*Parents of Indian Children

The statistical data contained in these Tables suggest that project directors and parents, both parent committee members and the community-at-large, have interaction and communication in planning and implementing their IEA programs. Moreover, the degree of parent participation in the determination and selection of IEA services suggests an awareness on their part to the kinds and types of educational programs needed by individual pupils and schools. At this time, however, available data speaks more to the amount of parental involvement than to the effectiveness of that involvement. Absence of complete data at this time suggests the need for a comprehensive, well-planned and developed needs assessment in order to insure more effective parental involvement.

Every Part A program, regardless of the size, must have an Indian parent committee selected by the Indian community at large. This, of course, is one of the most positive and farreaching effects that this Act has had on Indian education. The Indian Education Act has promoted, more than any previous piece of legislation, Indian involvement in public school education. We will continue to search for methods of additional enhancement for parental involvement, including movement from an advisory role to one of more complete involvement in the operation of the school system.

Turning to the budget history, the information provided in the following Table portrays six years of action by the Congress in appropriating funds for the aggregate and all parts of the Indian Education Act.

TABLE 5
PROGRAM FUNDING HISTORY

FISCAL YEAR	AUTHORIZATION	REQUEST	APPROPRIATION	EXPENDITURE[1/]
1973	239,177,204	-0-	18,000,000	17,596,000
1974	275,240,000	-0-	41,759,000	14,127,700
1975	355,999,550	42,000,000	42,034,000	41,963,000
1976	446,029,167	42,055,000	57,055,000	56,692,560
1977	562,050,000	42,055,000	57,212,000	not available
1978	630,000,000	45,057,000	59,660,000	not available

1/ Expenditure for purposes of this Table means Obligation.

TABLE 6
BUDGET HISTORY BY PART
(In Thousands)

FISCAL YEAR	SECTION OF ACT A	B	C	ADMIN.	TOTAL
1973	11,500	5,000	500	1,000[1]	18,000
1974	25,000	12,000	3,000	1,759[2]	41,759
1975	25,000	12,000	3,000	2,000	42,000
1976	35,000	16,000	4,000	2,055	57,055
1977	37,000	14,080	4,200	1,937	57,217
1978	3[illegible].650	14,400	4,410	2,000	59,660

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[1] Transfer from Salaries and Expenses, Office of Education.

[2] Excludes supplemental appropriation of $34,000 under Library Resources for salary increases.

Next, I would like to describe the growth of each of the three major parts of the program since its inception, in terms of the applications received, those projects funded and the numbers of students served in these projects. There trends are shown in Table 7.

Since the NACIE is created by the IEA, and since that Council provides a valuable service to the Office of Indian Education, I would like to provide a brief summary of their functions and their relationship with the Office.

Part D, Sec. 442 of the Indian Education Act provides for the establishment of the National Advisory Council on Indian Education (NACIE). The Council is composed of fifteen American Indian and Alaskan Native members who are representative of diverse geographic areas of the country, and appointed by the President from nominations by Indian tribes and organizations.

NACIE serves to promote and advocate for meaningful and quality Federal educational programs from which Indians and Alaska Natives may benefit.

The mandated responsibilities of NACIE under the provisions of the Act are to:

(1) advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies)

TABLE 7
POPULATION ELIGIBLE AND SERVED

FISCAL YEAR	PART	ELIGIBLE GRANTEES	APPLICANTS	RECIPIENTS	STUDENT SERVED
1973	A	2,565	553	435	135,000
	B	*	71	51	30,000
	C	*	30	10	2,000
1974	A	2,621	1,098	854	214,350
	B	*	438	136	80,[illegible]
	C	*	110	42	8,000
1975	A	3,088	1,169	845	267,000
	B	*	445	135	90,000
	C	*	140	35	9,000
1976	A	2,992	1,225	1,089	302,148
	B	*	609	132	90,000
	C	*	138	61	12,000
	Fellowship		800	104	104
1977	A	2,962	1,132	1,029	296,988
	B	*	640	114	80,000
	C	*	140	65	12,500
	Fellowship		900	150	150

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* No accurate count exists for these categories.

of any program in which Indian children or adults participate from which they can benefit;

(2) review applications for assistance and make recommendations to the Commissioner with respect to their approvals;

(3) evaluate program and projects of DHEW in which Indian children or adults can participate or from which they can benefit, and disseminate the results of such evaluations;

(4) provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

(5) assist the Commissioner in developing criteria and regulations for the administration and evaluation of grants made under section 303(b) of the Act of September 30, 1950 (P.L. 874, 81st Congress); and

(6) to submit an annual report to Congress concerning its activities and recommendations for improving Federal education programs in which Indian children and adults participate, or from which they can benefit, and include a statement of Council recommendations to the Commissioner with respect to the funding of any such programs.

In addition to these responsibilities, the NACIE is also mandated to submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner for the Office of Indian Education.

The working relationship between the National Advisory Council and the Office of Indian Education can best be described as an effort to cooperatively insure that the overall intent of the Indian Education Act is met. Several approaches are used to enhance this cooperative effort between the Council and OIE.

One approach utilized the past several years is to involve the Executive Director of NACIE as an active member of OIE's weekly management staff meetings. This practice has been successful in assuring both that the Council's concerns are aired and that OIE is utilizing NACIE's expertise.

Other examples of NACIE's involvement in OIE activities are: Council evaluation of and recommendation for applications for funding; reviewing and recommending changes in the Indian Education Act regulations; advising the Commissioner about the Indian Education Act; and providing technical assistance to Title IV programs and projects. Additionally, OIE regularly attends and contributes to Council meetings held throughout the year.

All of these activities are consistent with the intent of the legislation. These activities enable NACIE to carry out its responsibilities to recommend to the Commissioner, as well as Congress, regarding Federal programs which Indian and Alaska Native children and adults may benefit.

The Office of Indian Education has had a very positive and effective relationship with the Council and will work toward continued interaction of this nature.

In summary I would like to point out that the services which have been provided to the youth and adults of the Indian community have been significantly improved as a consequence of the Indian Education Act. Admittedly from the five years of experience with the Act there are some areas which we wish to improve both in the administration of the programs and in the implementation of the Act across the Nation.

Within the Department of HEW we have already launched a major review to determine how such improvement will be achieved. A full report of the results of this review effort will be provided to you as soon as it is complete.

Mr. Chairman and members of the Committee, this concludes my formal statement. My Colleagues and I will be happy to answer any questions you may wish to present.

STATEMENT OF GERALD E. GIPP, DIRECTOR, OFFICE OF INDIAN EDUCATION, USOE, ACCOMPANIED BY HARRY L. PHILLIPS; HERB JACOBSON; AND WILLIAM FLOYD

Mr. GIPP. Thank you very much, Mr. Chairman. I am very pleased to be here to discuss the status of the Indian Education Act and the activities we will pursue in furthering the goals of improving education for Native Americans.

In 1969, the Senate report, "Indian Education: A National Tragedy—A National Challenge," commonly referred to as the Kennedy Commission Report, pointed out many shortcomings in the quality of education provided to Indian students.

Chief among these were the lack of an adequate system for funding Indian education, the need for relevant and responsible curriculum for Indian students and the need for adequate parental and commuity involvement in the education of their children.

In reviewing the events and progress experienced in 5 years of administering the Indian Education Act, it has become clear to me that many of the problems have begun to be addressed through the implementation of this legislation.

I have seen Indian parents actively engaged in dialogs with school district officials as coequal partners in the planning and implementation of responsive educational programs. I have observed Indian children learning and curricula which portrays the dignity and achievements of their culture.

I have visited Indian-controlled schools that provide an educational opportunity to Indian teenagers and adults who could not otherwise complete their education in the public schools system.

I have spoken with enthusiastic and sensitive teachers and administrators who have become genuinely concerned with the development of responsive and effective education for Indian children.

All of these things were made possible, either wholly or in part, by the enactment of the Indian Education Act. While these accomplishments are not to be taken lightly, all of us involved in Indian education feel it is only a beginning. There is much that remains to be done.

We need more teachers, administrators, and parents who are aware, and who are responding to the needs of the Indian student. We must have more of the high quality curricula and courses of instruction that result from this collaboration.

Finally, and most important, we must keep the Indian student in the school and help him to achieve at the level at which he is capable. It is my view that the Indian Education Act is a manifestation of a special Federal relationship enjoyed by Indian people.

Consistent with this philosophy, we reviewed the Federal intervention process via the act as a facilitator to the process of education which takes place at local levels. It is in this spirit that we view our role as administrators of the act.

I strongly hope we can continue to work with your committee in furthering the goals of Indian education by reauthorization of the Indian Education Act.

If it pleases the committee, Mr. Chairman, I would like to place in the record, a somewhat more detailed statement, which includes the history of the act, various activities and policies that have occurred in our administrative function and our assessment of the effectiveness of the projects which were funded under the various provisions contained in the act.

At this time, Mr. Chairman, I would be happy to entertain any questions you may have. In addition to that, with the relative newness of my position, I have brought a number of my key staff and will call on them for more specific information.

Mr. BLOUIN. Thank you. All right, do any of the others at the table have any comments to make?

Mr. GIPP. No. I guess not.

Mr. BLOUIN. Are there, within the Department, or the Office of Education, anywhere, to your knowledge, any kind of goals or objectives by which title IV programs are evaluated in terms of their effectiveness?

Mr. GIPP. Primarily the effectiveness of the program presently, as picked up by the grants, have program specialists who created a dialog with the projects.

In addition to this, there is a major study which is presently underway to look at the effectiveness, particularly in part A, and the Office of Planning, Budgeting, and Evaluation of the Office of Education is presently conducting a study to that effect. It has been underway now for approximately 1 year. We anticipate it will be concluded within the following 1 to 1½ years.

They are evaluating part A of title IV.

Mr. JACOBSON. Mr. Chairman, if I may add something to that. One of the objectives of that study is to develop and test the feasibility of the measures of effectiveness of the program. We do not think the classical measures used for a typical education program are quite satisfactory for our program. I think that is a posture of the Office of Planning, Budgeting, and Evaluation.

Mr. BLOUIN. Let me make sure that I understand you. You will, within about 1 to 1½ years, have an evaluation technique available, but since 1972, you have not had one?

Mr. JACOBSON. Not in judging the effectiveness of the overall program. We do measure the effectiveness of projects, as an ongoing activity.

Mr. BLOUIN. How do you do that?

Mr. GIPP. I would like to call on our division director in part A. He can specifically address that.

Mr. KHAN. Mr. Chairman, in our office, we have site review forms we send out to schools before making site visits to see what is going on in those projects and parts of the country. Our basic requirement is to report on a written evaluation form, the effectiveness, how they are meeting their objectives as stated in their applications. They talk to the teachers, the students, and also examine the academic record to see if that program has made any change in the performance of their school work, has it made any changes in the rate of dropout and also find out the rate of absenteeism.

We have an approach in each site visit to find the behavioral changes that are brought about as the result of the funding of our programs.

Mr. BLOUIN. So the present individual evaluation is pretty much based upon whether or not the objectives set out are on target, and whether you are making progress in achieving what they felt their objectives should be?

Mr. KHAN. That is correct, sir. Also we receive progress reports from each grantee and we have encouraged our grantees, in the past year, that they should have outside evaluations to see if projects, as they are being implemented, have been effective or not.

Mr. BLOUIN. Dr. Gipp, what is your definition of the word "Indian" as it applies to title IV? Is it too general; does it need rewriting?

Mr. GIPP. The definition, as stated in the law that serves us, I believe, serves our particular purpose very well and it is our position that many Indian people historically have been excluded.

One of the major intents of the law originally was to encompass that particular population. We feel that definition serves the purpose well.

Mr. BLOUIN. What kind of guidelines does OE send out to clarify its knowledgeability of the Indians?

Mr. GIPP. There were, originally, some difficulties with that. We have issued some forms, and again, Mr. Khan could relate more specifically to that issue.

Mr. KHAN. Mr. Chairman, we have had, and still have, a problem with the number of Indian students in the local educational agencies. Last year our office decided to develop a form, which I will submit to your committee.

According to this form, 506, the local education agencies are required to give it to the parents of Indian children to certify that they are Indian. Furthermore, the local education agencies are required, after receiving that form, to present it to the parent committee.

The parent committee certifies it and then it goes to the States. From the States, we receive the total Indian count for each district. We have taken these steps and there has been a great deal of improvement.

Mr. BLOUIN. Could we see that form?

Mr. KHAN. Yes.

Mr. JACOBSON. I think it is important to note one distinction. That is the distinction between who is an Indian and who meets that definition. That form was promulgated and put into effect because we had been subject to some criticism regarding the identification of who was an Indian rather than any problems with the definition.

Consequently we believe that this form, and the procedures underlying that form, have improved that identification count.

Mr. FLOYD. Specifically, GAO found some of our projects were using the BIA or JOM definition and they felt that was a problem. The definition in the law was not getting out to the individual parents and students, so we developed a form so that the parent could see the definition in writing.

Mr. BLOUIN. The purpose of these forms is to determine a proper, uniform counting procedure; is that right?

Mr. KHAN. [Nods affirmatively.]

Mr. BLOUIN. Not eligibility, as such, but counting, just for numbers sake?

Mr. JACOBSON. Yes, sir.

Mr. **Floyd**. Everyone does not have to fill out a form. People who fill out a JOM form will also meet our definition and we will accept that. Some children and parents do not have to fill it out.

Mr. **Blouin**. All right. Do you have a national student count at this point?

Mr. **Jacobson**. Yes, sir. We do.

Mr. **Gipp**. As stated in the record, Mr. Chairman, we have approximately 296,000 Indian children by this count.

Mr. **Blouin**. Does that count all reservation, nonreservation, urban, anyone who identifies himself as an Indian?

Mr. **Gipp**. Right.

Mr. **Blouin**. 296,000?

Mr. **Jacobson**. That would include all students within public school districts eligible for grants within part A.

Mr. **Blouin**. Are there any limits on it?

Mr. **Jacobson**. Yes, sir. The current formula in part A states that school districts with less than 10 Indian children are ineligible for aid under our program, with the exception of three states, Alaska, California, and Oklahoma. Any district having 1 or more students in those States would be eligible for support.

Mr. **Blouin**. Is there a bottom limit on the identification of "Indian" individually? Is there a certain blood quantum you follow?

Mr. **Floyd**. There has to have been either a parent or grandparent who was a member of a tribe that is a State recognized tribe or any federally recognized tribe.

Mr. **Blouin**. They have to have had a parent or a grandparent who was a direct member of a recognized tribe?

Mr. **Floyd**. Yes, State or federally recognized.

Mr. **Blouin**. And you have managed to identify 296,000 students?

Mr. **Floyd**. Yes.

Mr. **Blouin**. And those are public school students?

Mr. **Floyd**. Yes. We estimate another 47,000 students in BIA schools and 10,000 in Indian controlled schools and mission schools.

Mr. **Blouin**. Where does the burden rest in determining tribal associations? Does it rest with the individual; do you just take their word for it? Are the tribes involved in this count at all?

Mr. **Floyd**. No, sir, we take the word of the parent.

Mr. **Khan**. It was pointed out earlier that the parent has to sign on the form but the form must also be reviewed by the parent committee so that is really verified.

Mr. **Blouin**. So the parent committee has veto authority as such, or is it just a review process

Mr. **Khan**. A review process, not veto authority, but if there is a difference of opinion between the parent committee and the parent, it would be looked into.

Mr. **Blouin**. Has that ever happened?

Mr. **Khan**. Not to my knowledge, sir.

Mr. **Gipp**. Mr. Chairman, very briefly, the definition that is stated under the law, if I could review that for you very quickly, is there four ways they could fall under this definition, "if they are a member of a tribe, band, or organized group of Indians, including those bands and tribes of groups terminated since 1940 and those recognized now or in the future by the State in which they reside or who is a descendent in the first or second degree of any such person." That is the first one.

No. 2, are "those considered by the Secretary of the Interior to be an Indian for any purpose." No. 3 is, "an Eskimo, Aleut, or Alaskan Native" and No. 4, are "those determined to be an Indian under regulations developed by the Commissioner after consulting with the National Advisory Council."

Mr. **Blouin.** We will turn to needs assessment for a moment. Do you feel local education agencies need more guidelines in conducting needs assessments?

Mr. **Gipp.** Very definitely, I believe that. This is something we can always work on. Needs assessments are, of course, mandated as a part of title IV, part A. In addition to this, Mr. Blouin. Is there a bottom limit on the identification one of the things we have undertaken is developing guidelines through a media kit to help the local educational agencies and the parent committees conduct needs assessments. This is something I think we have to continue to work with in the future.

Mr. **Blouin.** Do you think it should be the parent committee who does the needs assessments?

Mr. **Gipp.** I personally believe it has to be a combination of the LEA and the parent committee.

Mr. **Blouin.** Do you think parent committees should be allowed to apply for grants directly if the local school board does not?

Mr. **Gipp.** That issue is one at which we have looked. Our concern with that would be that the intent of the law is to create a dialog between a parent committee and a local educational agency.

The difficulty we see in doing that, in going to the parent committee directly, would be that it would go against what we consider the intent of the law as creating that dialog and working relationship so we would be hesitant to move very quickly in that direction without further study.

Mr. **Blouin.** Is not the real leverage the way the law is written today effectively with the school board? If the parent committee felt very strongly that there should be applications for grants and programs developed and the school board said, fine, we will do something, and they put an application together, the parent committee does not and they really do not have any choice at that point, do they? They can either take that or nothing, if you can get them to that stage?

Mr. **Gipp.** That is one of the things we tried to do, with our staff. That is, to work with that parent committee and also the local educational committee. There are things they might consider also. For example, perhaps give the opportunity to consolidate among several LEAs to put together a grant process and thereby get an award through that method.

Mr. **Blouin.** What kind of staff work do you mean when you say you have staff that tries to pull them together?

Mr. **Gipp.** It is very limited from the standpoint of resources, at this point in time. That is one of the difficulties we encounter in trying to provide technical assistance. Obviously there is much to be done but we try to have a dialog with the local educational agency and also the parent committees.

Mr. BLOUIN. How large a staff do you have?

Mr. GIPP. Presently we have a staff of 46, and of that, our total professional program staff is 23.

Mr. BLOUIN. Are those 20 the ones who would generally be involved in the dialog?

Mr. GIPP. Yes, that is across all parts, A, B, and C. The dialog for part A, of course, we are talking about 1,028 grants and we are speaking——

Mr. BLOUIN. Which is 1,028 school districts?

Mr. GIPP. For 1,028 school districts receiving grants we will have assigned this year 12 program specialists.

Mr. BLOUIN. What kind of dialog goes on with 20 staff and 1,028 school districts and 1,028 parent groups?

Mr. GIPP. Obviously it is very limited.

Mr. BLOUIN. In the competitive grant part of title IV, does this same kind of dialog go on or is it even harder there?

Mr. GIPP. We try to create that, yes. Our staff, in the past, have had smaller numbers of grants to handle in that particular area but because of the complexity of the grants in parts B and C, the discretionary funding, we find that workload is quite heavy too.

Mr. BLOUIN. Do you try to offer any kind of training or technical assistance to the parent committees?

Mr. GIPP. Yes, we do. I think Mr. Khan can speak specifically to that.

Mr. KHAN. We view the key, as Dr. Gipp pointed out, as the role of the parent committee. My reading of the law indicates it is the first time in the history of Indian education that parents are really given a very wide role in developing and monitoring programs for their children.

The thrust is, since Dr. Gipp has been in the leadership role, to get parents involved. What we are doing right now is developing the concept of miniconferences. We go out on the site and instead of spending all our time on one site, we get parents involved in that area, about 10 or 15 local education agencies' representatives and also 10 or 15 representatives from parent committees.

In that dialog, we explain all of the requirements and that way we go over the whole process, what is expected of them according to our statutes and regulations.

Mr. BLOUIN. Do you do this personally with them?

Mr. KHAN. Face to face.

Mr. BLOUIN. With 1,028 parent committees?

Mr. KHAN. We are developing the technique; we have not done it yet.

Mr. BLOUIN. How will you do that with 20 staff members, very quickly?

Mr. KHAN. We have too few staff members. That is our problem. What we have done in the past, for the last 4 years, is to hold national technical assistance conferences under our program.

Mr. BLOUIN. To pull them in, do you have funds available?

Mr. KHAN. Not all in one place but eight or ten technical conferences.

Mr. Blouin. Do you have funds available to pay their expenses and get them there?

Mr. Khan. Limited funds, but they are available, from the grants, to get the grantees to come and attend these conferences.

Mr. Gipp. Also, in part B, the discretionary funding, we do fund projects which provide technical assistance. More specifically, I would like to call on Ms. Baker to maybe address some of those projects that have been operating.

Ms. Baker. In the fiscal year 1976, we had six grantees that provided technical assistance, either on a statewide, localized or nationwide basis, depending upon the confines of their grants as they came in.

One thing that must be understood is technical assistance grantees, as they are funded out of part B are discretionary grants and thus competitive. Because they are grants, we cannot dictate the area they service. That is their determination.

We had one grantee that provided national service and then the other five provided either statewide and, in one case, provided, just to a portion and type of tribes in the State.

For fiscal year 1977, we had five grantees that will also be providing technical assistance.

Mr. Blouin. How many grantees are there, all told, with which you deal or could potentially deal?

Ms. Baker. Potentially, and we realize that our technical assistance capabilities are extremely limited, we could deal with all 1,028 of the part A's, all of the part B and part C grantees.

We have the authorization to serve this——

Mr. Blouin. How many part A, B, and C grantees are there?

Ms. Baker. For fiscal year 1977, we have 67 part B grantees, 53 part C's, and 26 non-LEAs. Then we have 18 educational personnel training programs.

Mr. Blouin. Twenty-three people to deal with about 1,200 grantees?

Mr. Baker. We are definitely aware of our limitations in this area, but one of the considerations is the funding for these technical assistance contractors which also comes straight out of the part B funding allocations. They compete with all of the other types of grants.

Mr. Blouin. If every eligible school district were to apply for part A, how many grantees would you have?

Mr. Jacobson. Sir, we had 2,962 eligible school districts.

Mr. Blouin. 2,926 eligible?

Mr. Jacobson. Yes, sir.

Mr. Blouin. So potentially your numbers could grow by threefold?

Mr. Jacobson. Yes, sir. We fund only about one-third of the eligible districts.

Mr. Blouin. How do you determine the level of funding? You are dealing with a limited budget? I assume, after so many applications, you just divvy up the pie?

Mr. Jacobson. We have a formula specified in the law for part A. That formula is based upon the count of eligible Indian students within that school district. It is also based upon the State per pupil expenditure. The total amount of funds are divided among each of the grantees who have passed through the application process.

Mr. Blouin. So the dollar rate per student varies, depending upon how many applications are in for part A?

Mr. Jacobson. Yes, sir. It also varies a little bit from State to State because the State per pupil expenditure will vary.

Mr. Blouin. Let me ask you this. You have a little over one-third, may 35 percent of the eligible school districts that have applied. In terms of the 296,000 identified Indian students, what percentage of those are in those school districts that have applied? Is it a higher percent?

Mr. Gipp. We serve out of that but we do serve at least 77 percent of the total eligible students.

Mr. Blouin. So you have the heavier part?

Mr. Gipp. Right.

Mr. Blouin. So the inclusion of the other two-thirds of the eligible grantees would not have a direct proportional drop in available funds?

Mr. Gipp. [Nods affirmatively.]

Mr. Jacobson. [Nods affirmatively.]

Mr. Blouin. I would yield to the staff for questions for a few moments.

Mr. Cross. Do you know, of those 1,800 districts that have not applied, what their characteristics are? Do they tend to be in certain States; do they tend to be in urban areas, suburban areas, and what do you know about them and also about the size of the Indian population?

Mr. Khan. There are 10 States from which we have not received any applications. Our guess is that sometimes it is a lot of work to prepare an application and overhead charges are quite significant. If they are not getting enough dollars to run a project, that kind of effort might be the reason. That is my personal guess. I feel it is one reason, but by and large, I think the schools involved have a smaller number of Indian population, not the large ones.

Mr. Cross. Do you see any pattern that the States are discouraging districts in those 10 States from applying or is that just because those happen to be small districts?

Mr. Khan. I don't see that there are any particular patterns, but if I may mention it, we get concerned because we want as many Indian children to be involved in the program and we are looking into what other factors there are that cause them not to apply and what we can do. We need to provide technical assistance in this area.

Mr. Cross. Something that concerns me, and I see Mr. Tonemah's statement mentions it, is the de minimus nature of the grants. In three or four States, you only have to have one student to apply, and in the other States you only have to have 10. Even given 10 students in a district the size of Montgomery or Fairfax County, what program can you mount?

If you have a district in Oklahoma that has one or two students, do you really think it is reasonable to make grants of that size and try to have a program based on 1, 2, 10, or 11 students?

Mr. Khan. There is also a very important factor, I think, Dr. Gipp mentioned in the opening statement, is that to the Indian communities, it is not the amount of money that is coming into the program, but it is the opportunity which it gives them to sit down with the local education agencies and have a dialog regarding the education of their children.

From that perspective, I think it is important that any program involving Indian children, and the Indian community, that they sit and talk to the school superintendent, it is in the right direction because it opens the door for open discussion.

Mr. Cross. I think that is a reasonable point, but what would you think of amending the law to say something like where there are small numbers in a district, they could pool that money with other districts to enable them to carry out a quality program?

For instance, in metropolitan Washington, you might have a place that had a large enough amount of money to have a real program rather than fragmenting it.

Mr. Khan. We have discussed this and——

Mr. Emanuel. Excuse me, may I speak to that point?

Mr. Blouin. Do you have all 20 aides here today? [General laughter.]

Mr. Emanuel. My name is Tom Emanuel. I am a branch chief in part A. We already have authorization in the law to accept grants from multiple districts in a consolidated format because in section 305A of the act, it says "agency or agencies may apply."

Mr. Cross. Have you written regulations to enable them to do that?

Mr. Emanuel. We don't have regulations that speak specifically to that point but we do have a number of grantees, about 25, who have consolidated a number of contiguous districts and have applied to us and we have acepted them.

Mr. Floyd. There are regulations in the provisions for education programs which allow for multi-district applications.

Mr. Cross. Are districts of small numbers made aware of that fact, or do they have to stumble across that in the regulations?

Mr. Emanuel. We have, in the 3 years previous to this, discouraged those kinds of applications because we did not feel that there would be a clear line of authority as to who would have responsibility for that grant.

Now we have been able to give some technical assistance in the last year or so that will enable us to set up the grant in such a way that we feel there is a clear line of authority so that we have one applicant—one that comes to mind, for instance, is in Mashpee, Mass., where there are three districts that have consolidated. We used the count from all three districts; we made the grant to Mashpe and they are responsible for the fiscal control of the money which goes there.

Mr. Lovesee. Excuse me. Would the gentleman yield? What would you think of a change in the law which would allow combinations or co-minglings of fundings from supplemental programs, such as Johnson-O'Malley and title IV to fund a program or meet a special need like this where the populations are not too diverse?

Mr. Gipp. I think that would be workable and we would be willing to study that and look at that very carefully.

Mr. Lovesee. Thank you.

Mr. Cross. You said you had identified 296,000 Indian children in public schools. That is not just in the 77 percent of those 1,000 school districts you fund, correct?

Mr. Jacobson. What was the question?

Mr. CROSS. Is that number, 296,000, only in your applicant districts or is it in your eligible districts?

Mr. JACOBSON. That is in the applicant districts.

Mr. CROSS. How many Indian children does the census tell us there were in the country in 1970?

Mr. JACOBSON. The 1970 census was very close to our original count, as best we could tell. It does not specify how many children are in elementary or secondary school. It just breaks out the total Indian population by age.

Mr. CROSS. But that is a pretty good indication.

Mr. JACOBSON. Yes. We exceeded the 1970 count in the second or third program year and we estimated it to be from somewhere between 200,000 and 250,000. However, there has been 8 years since that census count and one would expect the population in elementary and secondary levels to show the same kind of growth as the overall Indian population.

I believe the figures have shown the Indian population has the highest growth of all of the groups.

Mr. CROSS. I wonder if we could ask you to prepare a chart showing the number of children you have eligible or in your applicant districts combined with the number in BIA schools, compared to the number in the 1970 census between 5 and 17 and between 0 and 14, for the record.

Mr. JACOBSON. Yes, sir. We can.

[The information requested follows:]

Question: Prepare a chart showing the number of children you have eligible or in your applicant districts combined with the number in BIA schools, compared to the number in the 1970 census between five and 17 and between zero and 14.

Answer: The attached table presents the requested data, as well as supplemental data relating to the relative numbers of Indian children enrolled in the 372 public school districts receiving both JOM grants and Part A grants. Since the two programs do not share a common definition of Indian, it would be expected that the counts would not be identical. Further, since the Title IV definition is somewhat broader than the JOM definition, the number of Indian students for Title IV would be expected to be somewhat larger than the corresponding JOM population. As shown in the bottom two lines of the attached table, the IEA count is approximately 20% higher than the JOM count for those districts.

Additionally, since the Census was taken in 1970 and the Indian Education Act was passed in 1973, no direct comparison of figures is possible. Contact was made with the Bureau of the Census to determine if their figures could be projected and the response was negative. Data for the Part A counts are shown for 1973 and 1977, in order to provide a more meaningful comparison.

TABLE 1: COUNT OF INDIAN CHILDREN AS OBTAINED FROM VARIOUS SOURCES

Count Source	Year	Number of Indian Children	Category
Bureau of the Census*	1970	291,690	0-14 yrs of age
Bureau of the Census*	1970	253,580	5-17 yrs of age
Indian Education Act Part A Eligible districts	1973 1977	227,589 388,538	Elementary & Secondary Public Schools
Indian Education Act - Part A Part A Grantees	1973 1977	135,000 296,980	Elementary & Secondary Public Schools
Johnson O'Malley Program**	1976	99,025	School districts receiving both JOM and Indian Education Act grants
Indian Education Act count for JOM districts	1977	119,335	

* Figures taken from: US Bureau of the Census Census of Population: 1970, SUBJECT REPORTS, Final Report PC(2)-1F, American Indians.

** Figures taken from: Directory of Public Schools Served By The Public School Assistance Programs, Bureau of Indian Affairs For Fiscal Year 1976, Indian Education Resources Center, BIA, Albuquerque, New Mexico.

Mr. BLOUIN. Those you are servicing now?

Mr. JACOBSON. Yes. Earlier we stated that 296,000 was the count for all eligible districts. I believe that figure is somewhat higher. I believe that is around 388,000.

Mr. BLOUIN. How did you arrive at that figure?

Mr. JACOBSON. What happens is, in the part A application process, we go out with a call to States and school districts to provide enrollment figures for our use in determining eligibility.

We get these enrollment figures from all districts who are eligible. That represents how we arrived at the 388,000 figure. Then, when applications come in——

Mr. BLOUIN. I did not follow that. You asked the school to tell you how many Indian children are in that school?

Mr. JACOBSON. Yes, the schools and the States.

Mr. BLOUIN. Do you tell them what that means?

Mr. JACOBSON. Yes, sir. We go out with a whole package that describes it.

Mr. BLOUIN. They go to each child in the school and say, do you have a parent or grandparent identified with an Indian tribe?

Mr. JACOBSON. I think they may use different techniques of determining who is eligible and who is not. We do not restrict them as far as that technique is concerned.

Mr. BLOUIN. They could just sit down, fill in 100 and send it back?

Mr. JACOBSON. I think they can but the important point to recognize is the State does certify those figures as being correct.

Mr. BLOUIN. What are the guidelines to the school to determine who they count and who they do not count?

Mr. EMANUEL. Can I answer that question, Mr. Chairman?

Mr. BLOUIN. Sure.

Mr. EMANUEL. The 388,000 that we have on our entitlement enrollment is represented by the 506 forms so there must be 388,000 of those forms. We receive what passes from the district to the parent committee for review. Then it goes to the State Department; if they have questions about it, they do some checking of those figures and they take a look at the individual enrollment forms. Then they send us the second form the 506-1 which tells us what the number is for any particular district.

Mr. BLOUIN. But those students in the nonapplicant districts you have counted do not have a parent committee to run that form by. Parent committees only exist where there are live applicants, right; where there is actually a grant going on? So, who do you run the accuracy of that by?

Mr. EMANUEL. Parent committees also exist in districts where they are applying but are either being rejected or have not received a grant in the past.

Mr. BLOUIN. But I am talking about part A, where there is no rejection. It is automatic and is an entitlement, right?

Mr. GIPP. No.

Mr. EMANUEL. They have to have an application.

Mr. BLOUIN. Once they have applied, it is automatic.

Mr. GIPP. Not necessarily.

Mr. BLOUIN. Do you recheck some part A's?

304

Mr. **Emanuel.** We have disapprovals in some part applications, yes.

Mr. **Blouin.** On what is that based and how many have you disapproved?

Mr. **Emanuel.** This year, we disapproved 101 out of 1,132 applications.

Mr. **Blouin.** On what were the disapprovals based?

Mr. **Emanuel.** They were based on various reasons but the three main ones, I would say, would be inadequate needs assessment, or inadequate community involvement, or a program design which is outside our funding capabilities.

Mr. **Blouin.** They were asking for more than you could give them financially?

Mr. **Emanuel.** No. Outside the kind of program designs that can be accepted, illegal program design.

Mr. **Blouin.** What was the total Indian population of those 104 school districts?

Mr. **Emanuel.** We do not have that figure available but we would be happy to supply it for the record.

Mr. **Blouin.** I would appreciate it.

[The information referred to above follows:]

Question:	Provide a count of the number of Indian students in the 101 public school districts which submitted disapproved applications for assistance under Part A of the Indian Education Act.
Answer:	The attached table shows the number of Indian students in the districts with disapproved applications.

[illegible] INDIAN ENTITLEMENT FILE-SUMMARY OF ENROLLMENT BY STATE

STATE NAME	ELIGIBLE DISTRICTS IND ENROLL	ELIGIBLE DISTRICTS NO. OF DIST	FUNDED DISTRICTS IND ENROLL	FUNDED DISTRICTS NO. OF DIST	REJECTED DISTRICTS IND ENROLL	REJECTED DISTRICTS NO. OF DIST
ALABAMA	1,556	18	1,013	6	0	0
ALASKA	19,901	52	18,312	60	108	3
ARIZONA	33,738	109	28,675	50	0	0
ARKANSAS	971	11	212	1	0	0
CALIFORNIA	55,807	620	30,888	156	716	6
COLORADO	2,421	32	1,308	9	0	0
CONNECTICUT	768	31	106	6	0	0
DELAWARE	163	5	53	1	0	0
DISTRICT OF COLUMBIA	28	1	0	0	0	0
FLORIDA	1,778	30	678	5	0	0
GEORGIA	618	11	0	0	0	0
HAWAII	606	1	0	0	0	0
IDAHO	3,173	46	2,127	12	173	1
ILLINOIS	1,933	38	1,002	2	0	0
INDIANA	677	18	67	2	0	0
IOWA	866	11	761	6	0	0
KANSAS	2,207	33	1,235	8	0	0
KENTUCKY	317	3	0	0	0	0
LOUISIANA	6,966	16	3,736	7	768	1
MAINE	952	17	768	10	0	0
MARYLAND	2,866	12	1,366	6	0	0
MASSACHUSETTS	650	11	407	3	13	1
MICHIGAN	21,028	106	10,117	113	170	4
MINNESOTA	12,533	123	11,208	61	0	0
MISSISSIPPI	236	8	36	1	0	0
MISSOURI	507	16	28	1	0	0
MONTANA	17,620	81	9,265	30	276	3
NEBRASKA	1,926	23	1,567	18	0	0
NEVADA	3,053	15	2,816	13	0	0
NEW HAMPSHIRE	37	3	0	0	0	0
NEW JERSEY	255	13	0	0	0	0
NEW MEXICO	26,223	26	23,050	10	0	0
NEW YORK	6,283	31	5,238	15	0	0
NORTH CAROLINA	16,052	62	15,660	26	37	1
NORTH DAKOTA	5,888	30	3,006	10	126	1
OHIO	1,768	10	1,511	6	3	0
OKLAHOMA	88,820	622	58,960	107	11,733	65
OREGON	7,117	95	5,000	26	0	0
PENNSYLVANIA	702	46	0	0	0	0
RHODE ISLAND	100	8	0	0	0	0
SOUTH CAROLINA	605	9	65	1	0	0
SOUTH DAKOTA	18,771	66	9,101	28	12	1
TENNESSEE	184	7	0	0	0	0
TEXAS	2,721	50	1,022	5	116	2
UTAH	4,510	31	3,623	14	0	0
VERMONT	18	1	0	0	0	0
VIRGINIA	156	18	266	3	636	0
WASHINGTON	21,286	123	17,602	71	0	0
WEST VIRGINIA	291	3	0	0	170	0
WISCONSIN	8,632	122	6,638	36	0	0
WYOMING	1,366	18	1,206	6		
NATIONAL TOTALS	408,538	2,043	296,008	1,020	15,212	101

Mr. **Blouin.** What type of assistance do you offer a parent committee—the parent committee is organized when a school district decides they will apply. Is that correct? Which comes first, the school district interest or the parent interest? Is the parent committee organized through some kind of formal process and then they go to the school board or is it the other way around?

Mr. **Emanuel.** The way it is supposed to be done is, there is supposed to be the organization of the parent committee through proper community involvement. After the needs assessment is done by the district, in conjunction with the parent committee, a priority ranking is drawn up.

Mr. **Blouin.** An organization of a parent committee through proper community involvement?

Mr. **Emanuel.** Yes, sir. By that, I mean there is a statement in the regulation that requires them to contact Indian organizations within their school district.

Mr. **Blouin.** Who contacts?

Mr. **Emanuel.** The applicant, which would be the LEA.

Mr. **Blouin.** So it does begin with the school?

Mr. **Emanuel.** Yes, it does begin with the school.

Mr. **Floyd.** Sometimes interest in the community will have people go into the school and ask them to apply and take the necessary steps, so it could start with a group of parents.

Mr. **Blouin.** OK. Once that parent committee gets organized, what kind of assistance is there to them and/or the LEA in putting together an application that is acceptable?

Mr. **Emanuel.** In the past, we have had regional, national or local conferences where we try to give assistance in how to put together applications which will meet the criteria for approval and we have invited particularly those districts who have applied to us in the past and have been rejected to come to those in order to receive enough assistance to enable them to get into our program.

I think the history of funding part A will show that has been fairly effective. We had, in the first year of the program, about a 40-percent rejection rate. Now, we have about an 11 percent rejection rate.

Mr. **Blouin.** OK. Go ahead and finish up.

Mr. **Cross.** Let me follow up on the count question. I came across some statistics on Los Angeles city schools several weeks ago showing figures in terms of minority populations in those schools over a 3- or 4-year period.

There was an 800 percent increase in the number of Indians in the Los Angeles city schools from one year to the next. That just does not track with reality and they all seem to appear in one region of the city.

I would appreciate having, for the record, figures on how many Indians students Los Angeles has claimed under the program for each of the years it has been in it and whether there has ever been any evaluation on the eligibility of those students or not.

[The information requested follows:]

Question: Provide a history of the Indian student enrollment counts for Los Angeles.

Answer: The Indian student enrollment counts for Los Angeles are as follows:

Fiscal Year	Indian Enrollment
1973	1,339
1974	1,724
1975	4,310
1976	4,310
1977	4,509

The Fiscal Year 1973 (School Years 1973-74) the count was based on a sight or visual counting method. Because of the limited time available for providing enrollment figures, only a small number of schools (those thought to have high Indian enrollments) were used to obtain the count.

In Fiscal Year 1974, a form was used to verify Indian heritage. The form basically used the identification of the tribe and a parental signature as the method of verification. However, again based on the time limitation, only 58 schools were requested to provide Indian enrollment data.

In Fiscal Year 1975, the same form was used, and all 625 schools in the Los Angeles Unified School District were asked to provide enrollment data on Indian children. This accounts for the large jump in the enrollment figures between Fiscal Year 1974 and Fiscal Year 1975.

The Fiscal Year 1976 count was not changed from the previous year, because no updated count was received from the district, and under those conditions, the previous years' count is used to calculate the grant award amount.

For the current Fiscal Year, Los Angeles Unified School District provided an updated count based on the use of their forms as applied to all 625 schools.

This information on procedures used to obtain the Indian enrollment count was based on telephone conversations between OIE staff and the Los Angeles Title IV project director. Correspondence with the Superintendent of Schools for the purpose of verifying these facts has been initiated. Upon receipt of this verification, we will be pleased to forward all information to this Committee.

Mr. CROSS. One other thing. As the Commissioner announced Tuesday, there will be some reforms in paperwork in the Office of Education. How does that affect the title IV program?

Mr. GIPP. It affects us from the standpoint that if we require full reports on an annual basis, they want us to reduce that reporting system to either one or two reports per year.

Mr. CROSS. Other than that, it is not a major——

Mr. GIPP. No.

Mr. JACOBSON. We are looking at a couple of different options. One option, perhaps is to reduce the paperwork of the small grantees, for example, those grantees receiving less than $10,000.

Mr. CROSS. To encourage them to apply?

Mr. JACOBSON. To encourage them to apply. We would like to state that we, as all other programs in the Office of Education, have to follow the provisions of OMB Circular 102 which specifies both the forms to be used for the application process as well as the forms used by the reporting process, so we are concerned about that.

Mr. CROSS. Does your office coordinate their efforts with the Office of Bilingual Education? I am thinking particularly of teacher training where there are fellowship programs under that act as well as your act.

Mr. GIPP. There is no specific coordination at this point in time. One thing we are exploring is to see how our office can better coordinate among all of the projects or programs that do serve Indian people.

Mr. CROSS. So right now, it is possible for a university who wants to retain Indians in graduate education to come into your program and the Bilingual Education program for essentially the same purpose?

Mr. GIPP. That is correct.

Ms. WYSONG. How much cooperation is there between the parent committees under title IV and the ones under JOM? Is there any cooperation between the two? Do you encourage them to work together?

Mr. KHAN. Yes. We have noticed that parent committees in title IV, there is a cooperation between the two groups and in fact, they have some common members and the cooperation is a healthy thing. I think, and we encourage it fully.

They also review each others proposals in some instances. In Oklahoma, I know of several specific cases where they do that so they do not have a duplication of services.

Ms. WYSONG. Did you just say there were some cases where a JOM parent committee member would also be a member under title IV?

Mr. KHAN. Yes.

Ms. WYSONG. One of the things that has come out of our draft legislation is the question of whether it would be advisable to move toward one total advisory committee as opposed to several splinter advisory committees. Do you have a recommendation or an opinion on that?

Mr. GIPP. We have not formulated a formal position on that yet but we have considered that and we think that obviously coordination is essential. There are some difficulties, I think, in trying to consolidate. I think we should talk about it.

One is obviously the definition. We are serving somewhat different populations. I think you also have to take into account the authority of those particular boards. They may differ. I think those are two pitfalls you might have to look at very carefully.

Mr. Floyd. We serve almost 4,000 more students than they do under JOM and in the same schools, we will serve students that JOM will not serve.

Mr. Jacobson. Overall, I think we serve approximately 100,000 students in common, according to the JOM definition. According to our definition, we would serve, in that same district, about 120,000, so that some of the parents of the children who are eligible for parent committee membership in our program, would not be eligible for parent committee membership under the JOM program. That would represent perhaps 20 percent of the parents.

Ms. Wysong. Would you recommend the consolidation of part A parent committees with Johnson-O'Malley—Indian Education Act—parent committees?

Mr. Gipp. While active and continuous coordination between part A and JOM parent committees in the same districts is absolutely essential to good educational program management and to the effective expenditure of Federal funds, there are pitfalls associated with the consolidation of these parent committees that are significant.

The first of these stems from the difference in definition of Indian used by the two acts. Since the Indian Education Act has a broader definition than the JOM program, there will most probably be members of the part A parent committee who cannot be eligible for membership in the JOM committee. Therefore, complete consolidation would not appear to be possible.

Second, there are differences in the authority vested in the two parent committees as a result of the provision in the respective acts and their associated regulations. The major difference is in the sign-off authority, which is mandated by part A of the Indian Education Act, but not by the JOM. This could potentially lead to problems in coordinating the design of an integrated educational program under a consolidated parent committee arrangement.

Finally, mandated consolidation of parent committees could be viewed as violating the intent of self-determination by restricting the freedom of the respective Indian communities to design programs to meet the educational needs of their children.

At this point, my recommendation on parent committee consolidation would have to be negative, unless these problems can be resolved. While I believe very strongly in the principle of coordination of activities in order to generate more effective educational programs, I think that the problems surrounding the consolidation of parent committees must be resolved prior to any action begin taken on this issue.

Ms. Wysong. Can you give is a brief update on the status of those funds? Have those moneys been released?

Mr. Gipp. Yes. The grants process has been completed and all grant awards have been made and those recipients have been notified.

Ms. Wysong. We heard from several people who were concerned about grant notifications for title IV progress. Some said it was well into September before they had even found out whether or not they were funded, which, when you start a program in the beginning of September, and you don't know if you will have money until the end, it is very difficult to plan.

Mr. Gipp. We are well aware of that problem. I think it should be explained, we recently went through a revision of the rules and regulations under part B and C. We did have some difficulty in getting final approval on those and that set our time line back and put everyone in a very difficult position.

We are hoping in the future we will not be confronted with that kind of thing. One of the things I have undertaken is to set an advanced time line at this point. We are anticipating we will be receiving grant applications in parts B and C hopefully in January and we will be notifying grantees of awards, hopefully, in April. We should not encounter that kind of difficulty again.

Ms. WYSONG. The Minnesota people were also concerned about their ability to respond to some of the problems they saw with the program operation.

Are there field hearings or regional meetings that program people can attend and make recommendations to USO?

Mr. GIPP. Presently, we are holding technical assistance workshops. They are primarily aimed at part A, however, we generally have people there who can speak to issues in parts B and C. In addition to that, we are discussing issues for reauthorization. At that time, we are requesting that they respond to those.

We are into our third conference so far. We began in mid-September with those particular conferences. We are anticipating at least three more.

Ms. WYSONG. How are people notified about these? That is another problem. I understand there was a meeting on September 20. The Minnesota people, again, were not aware of that, and subsequently did not attend.

Mr. GIPP. There is always difficulty with that. The conference was held in Green Bay, Wis. We have a mailing list for part A and all parts that we provide information to those people on that list, in addition to all of the national organizations.

Ms. WYSONG. So all they would have to do to get on that mailing list would be to write to you.

Mr. GIPP. Contact our office, yes.

Ms. WYSONG. Would you elaborate on the adult education part of title IV? How many projects are funded under it?

Mr. GIPP. For this academic year, we are funding 53 projects. I think we have received close to 200 applications for that particular part alone.

Ms. WYSONG. In one of the title programs in higher education, there is a basic minimum grant that the proposal readers look for on applications. If an institution does not apply for $100,000 minimum, they don't even consider the application because they feel that is the minimum amount it takes to run an adequate program.

Is there any type of minimum amount grant that an LEA has to apply for to be funded under title IV?

Mr. GIPP. There is no minimum, to my knowledge. I do not believe that exists.

Ms. WYSONG. Thank you.

Mr. FORKENBROCK. I had one question, Mr. Chairman, and I will make it very quick. If I understand it correctly, the local LEA's channel their counts to the States who verify it and give them to you. Is that correct?

Mr. JACOBSON. [Nods affirmatively.]

Mr. FORKENBROCK. States receive no administrative funding under title IV to do that; do they?

Mr. JACOBSON. No, they do not.

Mr. FORKENBROCK. How equipped do you think they are in terms of being able to do the job adequately in terms of staff and verifying those counts?

Mr. JACOBSON. There are a number of States that do have Indian desks. They have specific personnel assigned to those desks. There are other States in which that responsibility will be held by one of the other State staff members, for example, a title I coordinator in a State might also have, under his or her responsibility, the certification of the enrollment count. The procedures vary from State to State.

Mr. FORKENBROCK. Do you think there ought to be any type of administrative assistance to title IV that would provide States some financial assistance in being able to verify it?

Mr. JACOBSON. We think the States should be involved in the educational process and we are currently looking at ways in which we might enhance that State involvement, but we have not, as yet, come up with a position that has met the administrative approval and become a policy.

We feel, for example, one of the roles of the States would be to provide technical assistance to the school districts under their jurisdiction, so we are looking at things like this and ways of implementing this. This is one of the things we are prepared to bring to the administration's attention and, hopefully, forward to this committee at a future date.

Mr. FORKENBROCK. If I understand you correctly, you are saying the States' role needs to be enhanced.

Mr. JACOBSON. Yes.

Mr. GIPP. It needs to be clarified. I think we obviously have to keep in mind it should be at the discretion of the Indian community. I think it is an issue that has to be studied again and carefully arranged.

Mr. FORKENBROCK. Thank you.

Mr. BLOUIN. Thank you. I thank all of you for coming.

Mr. GIPP. Thank you.

[Questions and responses by Mr. Gipp follow:]

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. [illegible]

[illegible] 977

Michael T. Blouin, Chairman
Advisory Study Group on Indian Education
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Blouin:

Thank you for your letter of October 7, 1977. I am pleased to have the opportunity to provide responses to the questions you have posed. These responses are attached for your use in incorporating them into the hearing record.

If I can be of any further service, please do not hesitate to contact me.

Sincerely,

Gerald E. Gipp
Gerald E. Gipp
Deputy Commissioner
Office of Indian Education

Enclosure

cc: Harry Phillips

1. According to the GAO report dated March 14, 1977, the Office of Indian Education was involved in certain activities - would you please give us a status report on those activities listed below?

   a. The development of forms for LEAs to use in counting and documenting Indian children enrolled and for obtaining parent verification of their children's Indian descent.

Answer: The OIE has developed and implemented a standardized form for use by our grantees in obtaining an accurate Indian student count in FY 1977 (school year 1977-78). A copy of an individual Student Count Form is distributed to every child in the LEA who indicates Indian heritage. This form, which asks for name, grade, and tribal affiliation, is signed by the child's parent. We do not require forms from children who were eligible and counted for the Johnson O'Malley Program, since this would place an unnecessary burden on the parents and LEA and would be duplicative counting. There are no further exceptions, however, and no LEA can count a child for funding unless a signed form is on file. The Individual Count Forms (OE Form 506) are then distributed to the Parent Committee for purposes of verification. Once this process is completed, the Total Count Form (OE Form 506-1) is completed and mailed to the State Educational Agency. The State then completes a computer printout for all eligible schools within their jurisdictions and forwards it to our Office.

   b. During FY 1977, OIE was to award about 6 technical assistance grants to help improve the quality of LEAs needs assessments.

Answer: In this Fiscal Year, six technical assistance grants were awarded, as follows:

Minnesota Chippewa Tribe--general technical assistance dependent upon local needs of Minnesota Tribes.

United Indians of All Tribes--general technical assistance dependent upon local needs (Ore. Washington, Idaho).

South Dakota Indian Association--general technical assistance (South Dakota).

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE
OFFICE OF EDUCATION
WASHINGTON, D.C. 20202

FORM APPROVED
OMB NO. 51-R1283

PART A, TITLE IV, PUBLIC LAW 92-318

INDIAN STUDENT ENROLLMENT CERTIFICATION – INDIVIDUAL

For the purposes of applying for a grant under Title IV, Part A of the Indian Education Act of 1972, it is necessary to identify the number of Indian children enrolled in the School District. Completion of this form is required for student eligibility.

Any child meeting the following definition from Title IV, Part A of the Indian Education Act of 1972 (*Public Law 92-318*) is eligible to be served by this program.

Individuals of Indian descent are defined as follows: *(a)* a person who is a member of a tribe, band or other organized group of Indians, including those tribes, bands or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or *(b)* a person who has a parent(s) or grandparent(s) who is such a member(s) of a tribe, or, *(c)* a person who is considered by the Secretary of the Interior to be of Indian descent for any purpose, or *(d)* is an Eskimo or Aleut or other Alaskan Native.

As the MINIMUM requirement for eligibility, the student must **have at least one** *(1)* grandparent who is a tribal member as defined above.

Please complete and return to your child's [illegible]

NAME OF PARENT OR LEGAL GUARDIAN	STREET ADDRESS CITY AND STATE ZIP CODE
NAME OF PUBLIC SCHOOL STUDENT ATTENDS	NAME OF STUDENT GRADE TRIBAL AFFILIATION
PARENT(S) TRIBAL AFFILIATION(S)	GRANDPARENT(S) TRIBAL AFFILIATION(S)
THIS SIGNATURE CERTIFIES that the information given above is accurate and true and that the tribal affiliation is in accord with the definition given. This form may be released to, and examined by, the Indian Parent Committee.	SIGNATURE OF PARENT OR LEGAL GUARDIAN *(Signature of STUDENT if age 18 or older)* DATE SIGNED

LEA GUIDELINES FOR INDIAN STUDENT ENROLLMENT CERTIFICATION

1. **No child will be eligible for services unless** this form is provided containing a signature of the **legal parent** or guardian or of the student, if age 18. The tribal affiliation must also be provided.

2. The accumulated forms **will be** turned **over** to the Parent Committee.

3. **The Parent** Committee will review all individual student forms gathered by the LEA. **The signature** by the parent **or legal guardian** or the student himself/herself if age 18 **shall be sufficient** evidence to verify Indian student eligibility.

OE FORM 506, 9-76

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE OFFICE OF EDUCATION WASHINGTON, D.C. 20202 PART A, TITLE IV, PUBLIC LAW 92-318 **INDIAN STUDENT COUNT – LEA TOTALS**	FORM APPROVED OMB NO. 51-R1203

NAME OF SCHOOL DISTRICT *(include NUMBER)*	STREET ADDRESS	
	CITY AND STATE	ZIP CODE

TOTAL NUMBER OF ELIGIBLE INDIAN STUDENTS ⟶

These signatures verify the accuracy of the Indian Student Enrollment for this School District. It is understood that the figures will be used to gain and expend Federal funds. Also, all figures are subject to audits by Federal officials.

TYPE OR PRINT NAME OF PARENT COMMITTEE CHAIRPERSON	SIGNATURE OF PARENT COMMITTEE CHAIRPERSON	DATE
TYPE OR PRINT NAME OF AUTHORIZED LEA REPRESENTATIVE	SIGNATURE OF AUTHORIZED LEA REPRESENTATIVE	DATE

GUIDELINES FOR THIS FORM

1. The LEA will receive back all the individual forms which have been verified by the Parent Committee and keep a copy of them for 3 years.

2. The LEA will accumulate the appropriate information from the individual forms and complete this form.

3. The LEA will submit one copy of this form to the SEA for verification. The SEA will compile a listing of all eligible LEA's in their State and forward it to the U.S. Office of Education, Office of Indian Education, 400 Maryland Avenue, SW., Washington, D.C. 20202.

OE FORM 506-1, 8/78

Coalition of Indian Controlled School Boards--technical assistance to non-LEAs (Nationwide).

For FY 1976, seven technical assistance grants were awarded, as follows:

- * Minnesota Chippewa Tribe--general technical assistance (Minnesota Tribes).
- All Indian Pueblo Council--general technical assistance (Puebloes of New Mexico).
- National Indian Education Training--general technical assistance (nationwide).
- South Dakota Indian Education Association--general technical assistance (South Dakota).
- Oklahoma Indian Education Association--general technical assistance (Oklahoma).
- * United Indian of all Tribes--general technical assistance (Wash, Ore, Idaho).
- JOM Committee--parent committee training (17 county area eastern Washington).

It was never the intent that these technical assistance grants would be limited to the improvement of LEA needs assessments. It is one of the many authorized activities that are included in the technical assistance grants. Such an activity would be of a local determination. It is our understanding, however, two of these grants, the Minnesota Chippewa and the United Indians, do indeed provide such assistance.

c. According to the GAO report, OIE was to be planning to comprehensively assess the education needs of Indian children nationwide. In April of 1976 OIE solicited proposals for this assessment. What is the status of this assessment?

Answer: The national assessment of the educational needs of Indian students was designed in four phases. Phase one consisted of a comprehensive literature review, phase two included all of the planning and developmental efforts required to develop a survey instrument, or sampling plan and the procedures necessary to conduct data collection. Data collection represented Phase Three of the effort and the analysis of data and development of the final report was included in Phase Four. On August 23, 1976, a contract was awarded to the National Indian Education Association to conduct Phase One and Two of the national needs assessment. The completion of Phases Three and Four by the contractor were left to the discretion of USOE. On September 30, 1977, the contract expired, and all products were delivered by the contractor.

Due to the anticipated magnitude and cost of completing Phases Three and Four of the needs assessment, the USOE Procurement Division advised that the award of further work work to NIEA on a sole source basis was not justified.

At this time, OIE fully anticipates continuing with this highly important effort. We are reviewing the products delivered by NIEA to assess their utility, and, upon completion of this review, we plan to develop and initiate an RFP for data collection and analysis. Of course, NIEA will be free to bid on the procurement, along with other interested organizations.

d. National evaluation of the impact of Part A projects?

Answer: The survey instruments and evaluation design were approved by OMB on October 28, 1977. Data collection is planned to be initiated on or about November 14, 1977, and is expected to take 4 to 5 months. Tentative results should be available by late February or early March, 1978.

e. The report cites the fact that HEW stated that OIE will review parent committee involvement and obtain feedback on the need to clarify Part A rules and regulations. What is the status of this project?

Answer: As you know, the OIE some time ago developed and promulgated to all Part A grantees, a Parent Committee Information Kit, which provides extensive information on the operation of Title IV programs. One of the most important sections of this Information Kit is a simplified explanation - paragraph by paragraph and in non-legal layman's language - of the Part A rules and regulations.

Information from the field indicates that this is working well. This information was gathered at six regional technical information conferences across the country. However, we are beginning an effort to more systematically evaluate each part of the Information Kit, and if deficiencies are found, we will modify the Kit accordingly.

f. HEW also stated that several sets of technical assistance materials were being developed which were aimed at improving the quality of applications and modifying application review procedures to identify applicants with weaknesses in their needs assessments, objectives, and other areas of their proposed projects. Is this being utilized?

Answer: We have taken several steps to insure that better quality applications are received. First, the Parts B and C regulations have been revised and are now better organized than in the past. There are specific detailed evaluation criteria for each subpart specified in these regulations. In addition, the regulations include extensive statements describing needs assessments, program objectives, evaluation and program descriptions.

In addition to the revised regulations, the procedures for reviewing Part A proposals has been revised. The deficiency notices now include detailed comments regarding deficiencies in needs assessments, objectives and evaluations. Applicants are consequently provided with more information on substantive problems their proposals may contain than at any time in the past.

We believe that these changes will serve to upgrade the quality of proposals received by the Office of Indian Education.

2. Do you feel that in those situations where it doesn't adversely impact on the student - teacher ratios, non-Indian students be allowed to participate in Title IV programs?

Answer: Yes, I do. We have taken the position that non-Indian students can participate in the Title IV projects, where the funds made available are not diluted by the presence of the non-Indian students. This principle allows a limited number of non-Indian students to participate, where it is desired by the grantee and the parent committee.

Mr. **Blouin**. Our second group is headed by Mr. Stuart Tonemah, the executive director of the National Advisory Council on Indian Education. I understand he has two of his board members with him. Mr. Tonemah, we have your complete statement as well. It weighs in at a length that would make brevity a virtue. It will be included in the record in total.

[The prepared testimony of Stuart Tonemah follows:]

Testimony by

Stuart A. Tonemah
Executive Director

Theodore George and Donna Rhodes
Council Members

for the

National Advisory Council on Indian Education

before the

House Committee on Education and Labor
Subcommittee on Elementary, Secondary, and Vocational Education

on

Title IV, Indian Education Act
P.L. 92-318

October 7, 1977

Good afternoon, my name is Staurt A. Tonemah. I am the Executive Director for the National Advisory Council on Indian Education. Accompanying me today is Donna Rhodes, of the Creek Nation of Oklahoma, and Theodore George, a member of the Clallam tribe from the State of Washington. Both are members of the Executive Committee of the National Advisory Council on Indian Education.

I would like to thank the Committee on Education and Labor, the Subcommittee on Elementary, Secondary, and Vocational Education, and the Advisory Study Group on Indian Education for allowing the National Advisory Council on Indian Education time for this testimony.

The National Advisory Council on Indian Education was established as part of the Indian Education Act of 1972, Title IV, (P.L. 92-318 and amended by P.L. 93-380). The Council is composed of fifteen (15) (see addendum I) American Indians and/or Alaska Native members who represent a diverse cross section of American Indians in the United States both in tribal affiliation and geographic areas. The members are parents, tribal leaders, educators, and other professionally trained individuals whose concern is to promote and advocate for the rights of Indian self-determination in education. The Council is charged with the responsibility of advising the Congress, the Secretary of Health, Education, and Welfare, the Assistant Secretary of Education, and the Commissioner of Education concerning those federal programs which American Indians and Alaska Natives may benefit. (see addendum II)

Unequivocally, the Indian Education Act is the most significant legislation passed that has positively impacted Indian Education. The Indian Education Act provides for Indian students to receive direct benefits from Title IV funds, and more significantly, the Indian Education Act provides for parental participation in the development of proposals for Title IV funding; in the implementation of the Title IV programs and in the evaluation of the Title IV programs. Providing for this overall Indian parental involvement in the Act, was a bold innovative move that the Congress took on behalf of American Indians and Alaska Natives. Without these provisions in the law, Indian parental involvement in their childrens' education would have been minimal and, at best, superficial.

Indian people have not had an opportunity, whatsoever, to participate or influence the education that their children received. As the Indian Education Act was developing and being implemented, in its various forms, it became evident that the original Act, as conceived, had limitations. The National Advisory Council on Indian Education will address these limitations and make recommendations on possible revisions of the Act. The issues to be addressed are:

1. Allowing Federal Funding to be Used for Teaching Culture;
2. Part A Entitlement Formulas;
3. Research Authority;
4. Technical Assistance;
5. Coordination of Programs;
6. Non-LEA Set-Aside; and
7. Indian Preference.

Topic #1: Allowing Federal Funds to be Used for Teaching Culture

The National Advisory Council on Indian Education recommends that the term "culture" be added to the wording of the Act, which states the intent of the Act, "to meet the special and [cultural] needs of Indian students." Be adding this term, the intent of the Act will be clarified to all concerned. The phrase, "special educational needs" has inferred differing interpretations to parents, teachers, and administrators of Title IV programs. The results of the differing interpretations being a hodgepodge of programs ranging from a simple tutoring program, to a program of instruction in the Mohawk language.

The National Advisory Council on Indian Education recommends that the Indian Education Act be revised to allow for and encourage the establishment of culturally related academic programs, for separate cultural programs, and for separate cultural program components. It is felt that through the teaching of American Indian and Alaska Native cultures, in the public schools, that the self-concept of Indian children will improve. (Studies indicate that Indian students have a low self-concept; the Merriam Report of 1927, the Havighurst Report of 1971, and the Kennedy Report of 1969.)

The question arised of using federal funds in teaching Indian cultures in public schools. Should this happen. The answer is yes. Culture has always been a part of the American educational system much of it based on the Puritan ethic. (i.e. competitive hard work, frugality, material accumulation, ownership of land, time is money, etc.) The American Indians and Alaska Natives have had these cultural values forced upon them and have had to adapt or adopt them in their lives, because there were few alternatives open to them.

The American Indians and Alaska Natives have had to endure the teaching of these values some of which were not consistent with their own tribal beliefs. All this education was financed via state and federal funds. Is it not reasonable then to consider teaching of American Indian and Alaska Native cultural values and traits in addition to those cultural traits of American society? There is much to be learned from the American Indian's philosophy of life.

The interrelationships of the elements; Earth, Sun, and Heavens; the two-leggeds, the four-leggeds, the finned ones, the winged ones, are important to know. The attitude of sharing, of co-existence, respect for the Earth, respect for one another and the individual, are a few cultural traits that the American Indian and Alaska Native value. Today the environmentalists are proffering the things that our people have known for centuries.

Is it not reasonable to expect that American Indians and Alaska Natives can become better citizens via improved self-concepts by having the opportunity to study their cultures in their own schools? Is is not reasonable that any person can become a better citizen by learning these things? The answer can only be positive.

The American educational system, being a reflection of the larger society, proffers the ideal of cultural pluralism but in reality adheres to the unspoken policy of urging all Americans to be alike. Therefore, a precedent has been set in terms of teaching culture. Additionally, American Indians and Alaska Natives have a "special" relationship with the federal government based upon treaties and agreements entered between the government and Indian tribes. These treaties, "made in utmost good faith," obligated the federal government to oversee and ensure the welfare of Indians and Alaska Natives. This was to be done in exchange for peace with the tribes and for their land. It is on this basis that American Indian people have a right to have federal funds spent on teaching their cultures in public schools.

Topic #2: Part A Entitlement Formula

The National Advisory Council on Indian Education recommends that the entitlement formula be changed to establish an eligibility minimum of 15 students. Many Indian people will not agree with this recommendation. Many Indian people find that the funds entitled, regardless of the amount, gives them "special" status and recognition within the schools their children attend. Without these funds they are anonymous. Their argument is difficult to counter. However, it is also difficult to conceive how a school district can adequately serve Indian students on the current formula, if the number of Indian students is less than 15. To some school districts the application procedure alone is almost more effort than the program would be worth to operate.

The National Advisory Council on Indian Education also recommends that the minimum dollar amount per the 15 student minimum be raised above $5,000.00. More than $5,000.00 is needed for any type of Title IV program to positively effect its participants.

Topic #3: Research Authority

The National Advisory Council on Indian Education recommends that a set-aside in the Indian Education Act be established for research, evaluation, and data collection activity. A set-aside would assure that funds would be available for these activities and the Office of Indian Education would retain control over these funds and ultimately retain control over the research conducted. There currently is no research authority in the Indian Education Act and this void must be filled to ensure that effective planning and future policy decisions can be made utilizing the most accurate and most current information available. The importance of this activity cannot be overly emphasized. The key to this research authority hinges on the Office of Indian Education's control over the needed research and being able to designate the research projects, that will utlimately reflect positive changes in the Indian Education Act. Past experience concerning research on Indian education reveals that countless research projects have been conducted on Indians with little involvement by Indians. With the Office of Indian Education controlling the research projects, the Office of Indian Education can contract for the needed research. Hopefully, the Indian Education Act would exercise the provisions of P.L. 93-638, the Indian Self-Determination Act in awarding contracts for needed research. This would inevitably lead to Indian people conducting research on Indians and not on anthropological research approach of non-Indians researching Indians.

Topic #4: Technical Assistance and Local Control

The National Advisory Council on Indian Education recommends that provisions be made in the Indian Education Act for separate and distinct funding authorization to make grants and contracts with public agencies and institutions, and Indian tribes, institutions, and organizations for the purpose of providing technical assistance to grantees.

One of the National Advisory Council on Indian Education's goals this year is to monitor and evaluate the technical assistance contractors and make suggestions on the improvement of these services. It is felt that the technical assistance is critical to the success of the local Title IV programs. What the National Advisory Council on Indian Education wants to discern is if Indian people really benefit from the technical assistance provided.

The National Advisory Council on Indian Education is concerned about the quality of the technical assistance provided by the contractors and recommends to the Office of Indian Education that an intensive effort be made on both the Office of Indian Education's part and the technical assistance Contractor's part to update the technical assistance orientation and skills to maintain a high level of competency in their services. The National Advisory Council on Indian Education feels that the area of technical assistance to the Office of Indian Education programs is extremely necessary and vitally important to the continued success of the individual projects and the overall growth and success of the Indian Education Act. The technical assistance contracts would augment the technical assistance provided by the Office of Indian Education and by the National Advisory Council on Indian Education.

Here are several recommendations to improve the current status of the Office of Indian Education's technical assistance efforts:

1. technical assistance contracts should be awarded on sectional, regional, or state to cover areas of greater concentration of eligible applicants; and
2. provisions should be allowed in the project applications for purchasing in specific technical assistance areas as the need occurs in the grant management or operation of the Title IV projects.

The idea of local control is what Title IV is all about. The need for involvement by parents on the local level is the exact intent of the Indian Education Act. The Law does not provide an option for parent committees to incorporate and apply for Title IV funds if the Local Educational Agency unwilling to work out an equitable project plan with the parent committee or vice-versa. Perhaps, a provision is needed in the Indian Education Act to provide for this alternative. Another area of concern that the National Advisory Council on Indian Education has is that parity should be reached between the Local Educational Agency and parent committee on personnel actions involving the local Title IV projects (parity being an equal authority in hiring, firing, or the re-assigning of personnel).

Topic #5: Coordination of Programs

Some provision is needed in the law that definitely delineates the authority of the Local Educational Agencies and the parent committee. The National Advisory Council on Indian Education recommends that the Office of Indian Education, Office of Education institute a coordinated effort to ensure American Indian and Alaska Native access to all the U.S. Office of Education grant programs and recommend the implementation of administrative and/or legislative action to resolve problems of access. The various programs in the Office of Education in which American Indians and Alaska Natives can and do participate need to be delineated and steps taken to ensure the fullest participation as possible by these groups in all the Office of Education programs. The Title IV training and technical assistance resources could provide the means for Indian people to prepare competitive proposals for possible funding from other than the Office of Indian Education programs.

It is simply not adequate to make information on these programs available to American Indians and Alaska Natives, what is needed is to have each Office of Education grants program make a concerted effort to involve these American Indians and Alaska Natives in their programs. Another of the National Advisory Council on Indian Education's goals is to work with Indian leadership to see that this happens.

There is a tendency by federal programs to limit Indian applications to either the Bureau of Indian Affairs or the Office of Indian Education. This should not be the case. American Indians and Alaska Natives should be encouraged to be involved in all the Office of Education grant programs.

Topic #6: Non-LEA Set-Aside

On this issue, the National Advisory Council on Indian Education recommends that the provisions of the Indian Education Act not be changed. The current 10 percent set-aside should be allowed to remain the same. Proliferation of non-LEA's does not seem to be a problem.

Topic #7: Indian Preference

The National Advisory Council on Indian Education advocates strongly that Indian people be given preference in employment in the Office of Indian Education. This would enable the Office of Indian Education to have a staff which would understand cultural barriers contributing to the current Indian educational problems.

The presence of more Indian staffers in the Office of Education would create a needed visibility within that organization, but more importantly, Indian people across the country would know that other Indian people are administering Indian programs in Washington, D.C. Obviously, Indian preference does not mean that *any* Indian person be hired. What is intended, is that *qualified* Indian people be employed. Each year more and more Indian professionals are improving their qualifications as administrators via the teacher training programs funded under Title IV, the Indian Education Act. These Indian administrators/professionals could easily fill the positions on the policy, administration, and program officer levels of the Office of Indian Education. Indian preference in the Office of Indian Education would provide career models for other Indian educators, the Indian community, and most importantly for Indian youth.

The policy of Indian preference, if implemented, would create many problems for existing personnel in the Office of Indian Education who are non-Indians. A grandfather clause arrangement would need to apply and, as vancancies occur, these positions would be filled by qualified Indian people.

Another rationale for Indian preference in the Office of Indian Education is the fact that the Office of Indian Education annually receives its appropriation from the Interior Appropriation Committees of both the House and Senate as does the Bureau of Indian Affairs and the Indian Health Service.

Both of these organizations have an Indian preference policy. It is conceivable that the Office of Indian Education, too, could have this policy although it is housed in the U.S. Office of Education. Indian preference is encouraged in the Office of Indian Education programs.

The National Advisory Council on Indian Education strongly recommends that Indian people be employed in other Office of Education bureaus in which Indian people participate (i.e. bilingual education, adult education, vocational education etc.).

In conclusion, the National Advisory Council on Indian Education would urge that the Office of Indian Education be funded to its full authorized level as proposed in the original legislation for the Indian Education Act. As indicated, the Indian Education Act is having a positive impact for Indian education and the alternatives provided through the Act is placing new priorities and demands for increased funds on the Office of Indian Education. Likewise, the National Advisory Council on Indian Education having played an integral part in the development of the Indian Education Act has developed new priorities which require increased funding for its operation. The minimum dollar figures asked would be one-half of the original authorization to keep pace with the growth and development of the Indian Education Act.

The minimum figures are:		
	Part A	$321,750,000.00
	Part B	19,750,000.00
	Part C	4,000,000.00 *
	Part D	2,600,000.00 (NACIE $600,000)**
	TOTAL:	$347,463,750.00

The National Advisory Council on Indian Education recommends that the personnel ceiling for the Office of Indian Education be raised to a workload level that would be consistent with other government programs in the Office of Education. A recent work measurement study conducted internally by the Office of Education indicated that the Office of Indian Education required 113 people to efficiently operate. This figure is over double the current personnel ceiling of 50, four of which are assigned to the National Advisory Council on Indian Education's office. A minimum ceiling of 66 is requested by the National Advisory Council on Indian Education for the Office of Indian Education. This number is far below the work measurements recommendation, but would increase the efficiency of the Office of Indian Education and also reduce the workload substantially.

* Full funding is requested for this part. Four million dollars (1/2 the authorization) is currently being utilized in Part C. To continue to meet the growth of Part C projects full funding is needed.

** For the Office of Indian Education and the National Advisory Council on Indian Education to provide quality service to projects funded under Title IV $2.6 million would be a minimum dollar amount.

At present, each Part A project officer has in excess of 100 projects; Parts B and C officers have over 30 each. The National Advisory Council on Indian Education anticipates a review of the adequacy of the Office of Indian Education staffing this year.

The National Advisory Council on Indian Education totally supports the Indian Education Act and respectfully requests that the Congress re-authorizes the Indian Education Act for a minimum of five years.

In addition, the National Advisory Council on Indian Education like other advisory groups have been questioned as to their "usefulness" in the discharge of their statutory responsibility. The National Advisory Council on Indian Education was recently reviewed and the following is a description of that review:

In March of this year the President, Office of Management and Budget, and the Secretary of the Department of Health, Education, and Welfare issued a memorandum and instruction concerning the annual comprehensive review of advisory committees.

> "The President instructed that all committees were to be recommended for continuation only if a compelling need could be demonstrated, if the committee conducted its business openly, and if a balanced membership on the committee were in fact the case. OMB's Circular A-63 further instructed that the evaluation of each committee must determine whether the committee was carrying out its functions, whether the functions could be revised, whether it could be merged with other groups, or lastly, whether the committee should be terminated. In addition, the review this year offered the citizenry opportunity to comment on the future of each committee according to the established criteria. Unlike many of HEW's advisory committees, OE's committees do not by law review grant applications. The single exception is the National Advisory Council on Indian Education."

The following is an extract of the OE's evaluation of the National Advisory Council on Indian Education. The Department recommended that the National

Advisory Council on Indian Education be continued unchanged and stated:

> "The National Advisory Council on Indian Education (Tab N) is unique among OE's groups, in that it is the only grant-reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it is entirely composed of a minority population--Indians--as required by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians. Public participation in the Council meetings is outstanding, since the Council normally reserves up to one full day of its meetings for public presentations. Following the practice of varying its meeting locations in all geographic areas with significant Indian populations, opportunities otherwise not available have been afforded to Indian community members to give their views on education for Indian children and adults.
>
> "The recommendations of the Council have reflected the needs and desires of local Indian communities in education. Their recommendations have been incorporated into our regulations, program priorities, budget request and the general administration of the Indian Education Act.
>
> "In view of the special historical relationship between the Indian tribes and the Federal Government and in accordance with the proposed Bureau-related structure and the established criteria, I recommend that the National Advisory Council on Indian Education be continued."

The review of advisory councils and recommendations from the OE were forwarded to the Department of Health, Education, and Welfare and its recommendation concurred with the OE to continue the National Advisory Council on Indian Education intact. The Department of Health, Education, and Welfare's recommendation is as follows:

> "Likewise, the National Advisory Council on Indian Education is unique among OE's groups, in that it is the only grant-

> reviewing committee, making recommendations to the Deputy Commissioner for Indian Education, who is the final awarding official. The Council also has an unusual legislated responsibility to select the slate of candidates for the position of Deputy Commissioner for Indian Education, from which the Commissioner makes a selection. Another unique characteristic of the Council is that it required by law. The members of the council represent tribes from across the entire country, including Alaska, urban and rural Indians, reservation and nonreservation Indians."

In conclusion, the National Advisory Council on Indian Education has in its short lifetime attempted to fulfill its statutory responsibilities on as competent and professional a level as possible. The Congressional mandate is broad and for the National Advisory Council on Indian Education to fully meet the mandate, additional funds are necessary. The current budget limitations imposed upon the NACIE allows a minimal functioning of the Council. The staff has been reduced to only three people, on-site visits have been reduced, overall office operations have been reduced, and the number of full Council meetings have been reduced. I understand that this Subcommittee and the full Committee on Education and Labor is an authorizing committee and not an appropriations committee, however, should in your review of the NACIE a decision be made to continue the Council, I hope that it would recommend increased funding for the Council.

This concludes my testimony on behalf of the National Advisory Council on Indian Education. I will be glad to respond to any questions.

ADDENDUM I

National Advisory Council on Indian Education

Joe Abeyta
Pueblo
Albuquerque, New Mexico
Term expires 9/29/77

Will D. Antell
Chippewa
St. Paul, Minnesota
Term expires 9/29/77

Linda S. Belarde
Tlingit
Zuni, New Mexico
Term expires 9/29/77

Donna F. Rhodes
Creek
Tulsa, Oklahoma
Term expires 9/29/77

James C. Sappier
Penobscot
Perry, Maine
Term expires 9/29/77

Ellen A. Allen
Kickapoo
Powhattan, Kansas
Term expires 9/29/78

Theodore D. George
Clallam
Seattle, Washington
Term expires 9/29/78

Calvin J. Isaac
Choctaw
Philadelphia, Mississippi
Term expires 9/29/78

Paul R. Platero
Navajo
Albuquerque, New Mexico
Term expires 9/29/78

David Risling
Hoopa
Davis, California
Term expires 9/29/78

Wesley Bonito
Apache
White River, Arizona
Term expires 9/29/79

Patricia A. McGee
Yavapai
Prescott, Arizona
Term expires 9/29/79

Earl H. Oxendine
Lumbee
Raeford, North Carolina
Term expires 9/29/79

Thomas A. Thompson
Blackfeet
Browning, Montana
Term expires 9/29/79

Minerva C. White
Mohawk
Canton, New York
Term expires 9/29/79

ADDENDUM II

AUTHORITY

Title IV, Section 442 of the Education Amendements of 1972 (P.L. 92-318) (20 U.S.C. 1221g). The Council is governed by the provisions of Part D of the General Education Provisions Act (P.L. 90-247 as amended; 20 U.S.C. 1223 et seq.) and of the Federal Advisory Committee Act (P.L. 92-463; 5 U.S.C. Appendix I) which set forth standards for the formation and use of advisory committees.

FUNCTIONS

The Council shall advise the Congress, the Secretary of Health, Education, and Welfare, the Assistant Secretary of Education, and the Commissioner of Education with regard to programs benefiting Indian children and adults. More specifically, the Council shall:

1. submit to the Commissioner of Education a list of nominees for the position of Deputy Commissioner of the Office of Indian Education/OE;

2. advise the Commissioner of Education with respect to the administration (including the development of regulations and of administrative practices and policies) of any program in which Indian children or adults participate from which they can benefit, including Title III of the Act of September 30, 1950 (P.L. 81-874) and Section 810, Title VIII of the Elementary and Secondary Education Act of 1965 (as added by Title IV of P.L. 92-318 and amended by P.L. 93-380), and with respect to adequate funding thereof;

3. review applications for assistance under Title III of the Act of September 30, 1950 (P.L. 81-874), Section 810 of Title VIII of the Elementary and Secondary Education Act of 1965 as amended and Section 314 of the Adult Education Act (as added by Title IV of P.L. 92-318), and make recommendations to the Commissioner with respect to their approval;

4. evaluate programs and projects carried out under any program of the Department of Health, Education, and Welfare in which Indian children and adults can participate or from which they can benefit, and disseminate the results of such evaluations;

5. provide technical assistance to local educational agencies and to Indian educational agencies, institutions, and organizations to assist them in improving the education of Indian children;

6. assist the Commissioner of Education in developing criteria and regulations for the administration and evaluation of grants made under Section 303(b) of the Act of September 30, 1950 (P.L. 81-874) as added by Title IV, Part A, of P.L. 92-318;

7. submit to the Congress not later than March 31 of each year a report on its activities, which shall include any recommendations it may deem necessary for the improvement of Federal education programs in which Indian children and adults participate or from which they can benefit, which report shall include a statement of the Council's recommendations to the Commissioner with respect to the funding of any such programs; and

8. be consulted by the Commissioner of Education regarding the definition of the term "Indian," as follows:

> Sec. 453 /Title IV, P.L. 92-318/. For the purposes of this title, the term "Indian" means any individual who (1) is a member of a tribe, band, or other organized group of Indians, including those tribes, bands, or groups terminated since 1940 and those recognized now or in the future by the State in which they reside, or who is a descendant, in the first or second degree, of any such member, or (2) is considered by the Secretary of the Interior to be an Indian for any purpose, or (3) is an Eskimo or Aleut or other Alaska Native, or (4) is determined to be an Indian under regulations promulgated by the Commissioner, after consultation with the National Advisory Council on Indian Education, which regulations shall further define the term "Indian."

Mr. Blouin. You may summarize it without missing any of your points.

STATEMENT OF STUART TONEMAH, EXECUTIVE DIRECTOR, NATIONAL ADVISORY COUNCIL ON INDIAN EDUCATION, ACCOMPANIED BY THEODORE GEORGE, COUNCIL MEMBER; AND DONNA RHODES, COUNCIL MEMBER

Mr. Tonemah. I would like to thank the committee and you for allowing us this opportunity. My name is Stuart Tonemah, executive director of the National Advisory Council. I would like to introduce two of our board members. On my left, is Ms. Donna Rhodes of the Creek Nation of Oklahoma, and Mr. Ted George, not to be confused with Dan George, from the Clallam Tribe of the State of Washington.

I appreciate your entering our written testimony into the record so we will not go into the various aspects of the council. We've done that before. I would like to say, unequivocally, the Indian Education Act is the most significant legislation passed that has positively impacted Indian education.

The act provides, as I am sure you are aware, for direct benefit for Indian students in public schools and, more importantly, for parental participation in the development of the proposals, the implementation and evaluation of the title IV projects.

As the Indian Education Act has developed and was in its developmental stages, we found there were a number of things that could be improved in the act and this will be what the council will be speaking to today.

The council, in their experience with title IV, has grown with the act. There were a number of problems that the council overcame in terms of just being established and finding its role with the Indian Education Act and its relationship with the Office of Indian Education and the Office of Education.

We mentioned the act has limitations and I don't really feel these are severe limitations but these are some of the things we would like to speak to today. Mr. George will speak to the first four issues, Federal funding for the use of teaching culture, part A entitlement formulas, research authority and technical assistance.

Ms. Rhodes will speak to the coordination of programs, the non-LEA set-asides and Indian preference. At this point, I will turn it over to Mr. George.

Mr. George. Thank you. The National Advisory Council on Indian Education recommends that the term"culture" be added to the wording of the act which states the intent of the act "To meet the special" and we would wish to add, "cultural needs of the Indian students."

By adding this term, the intent of the act will be clarified to all concerned. The phrase "special education needs" has inferred differing interpretations to parents, teachers and administrators of title IV programs.

The results of the differing interpretations has been a hodgepodge of programs, ranging from simple tutoring programs to a program of instruction in the Mohave language.

The National Advisory Council on Indian Education recommends the Indian Education Act be revised to allow for and encourage the establishment of culturally related academic programs for separate cultural program components.

It is felt that through the teaching of American Indian and Alaskan Native cultures in the public schools, that the self concept of Indian children will improve. Studies indicate that Indian students have a low self-concept; the Merriam Report of 1927, the Havighurst Report of 1971, and the Kennedy Report of 1969.

The question arised of using Federal funds in teaching Indian cultures in public schools. Should this happen? The answer is "yes." Culture has been always a part of the American educational system, much of its based on the Puritan ethic. That is, competitive hard work, frugality, material accumulation, ownership of land, time is money, and so forth. The American Indians and Alaskan Natives have had these cultural values forced upon them and have had to adapt or adopt them in their lives, because there were few alternatives open to them.

The American Indians and Alaskan Natives have had to endure the teaching of these values some of which were not consistent with their own tribal beliefs. All this education was financed via State and Federal funds. Is it not reasonable then to consider teaching of American Indian and Alaskan Native cultural values and traits in addition to those cultural traits of American society? There is much to be learned from the American Indian's philosophy of life.

The interrelationships of the elements; Earth, Sun, and Heavens; the two-leggeds, the four-leggeds, the finned ones, the winged ones, are important to know. The attitude of sharing, of coexistence, respect for the Earth, respect for one another an the individual, are a few cultural traits that the American Indian and Alaskan Native value. Today the environmentalists are proffering the things that our people have known for centuries.

Is it not reasonable to expect that American Indians and Alaskan Natives can become better citizens via improved self-concepts by having the opportunity to study their cultures in their own schools? Is it not reasonable that any person can become a better citizen by learning these things? The answer can only be positive.

The American educational system, being a reflection of the larger society, proffers the ideal of cultural pluralism but in reality adheres to the unspoken policy of urging all Americans to be alike. Therefore, a precedent has been set in terms of teaching culture. Additionally, American Indians and Alaskan Natives have a "special" relationship with the Federal Government to oversea and insure the welfare of Indians and Alaskan Natives. This was to be done in exchange for peace with the tribes and for their land. It is on this basis that American Indian people have a right to have Federal funds on teaching their cultures in public schools.

Rather than go through the reading, I will just give highlights and would certainly encourage Mr. Tonemah and Ms. Rhodes to help me.

We were concerned about the entitlement and the formulas and felt, as one of the questions indicated, the need for some assessment of small, single, two or three eligible students. What can you really accomplish or purchase with that?

We recommended essentially that the eligibility minimum be 15 students and that there also be a $5,000 minimum so that would provide them the means for doing some things rather than having a very small, minimal program that would make it prohibitive to really build anything from.

Mr. TONEMAH. I might add here, too, that there have obviously been arguments against the minimum of 50 students and the $5,000 minimum by Indian parents because they feel no matter what the number of Indian students, that the title IV programs have created visibility for them in the school districts. It is a very difficult decision for them to make, as to the minimum number of students in a particular program.

When you look at the amounts of money available, and the number of students to be served, some very tough decisions have to be made to make the title IV act more effective and to meet the mandates of the law, which is to have direct benefit for Indian students and parental participation.

Mr. GEORGE. Our third recommendation has to do with research authority. We feel there should be established a set-aside in the Education Act for that purpose and housed in the Office of Indian Education.

We do not feel there have been enough assessments of the direction, the things that have been tried and learned. We do know there have been a lot of significant things accomplished through with title IV and the Indian Education Act. Certainly the wheel is reinvented in many places with the same kind of emphasis.

We feel establishing a research capacity would add another dimension, and certainly, I think, assure more substantive kinds of things will occur.

Equally important, I think, is the profit; we need a kind of clearinghouse mechanism that such research could provide.

The fourth recommendation we have made has to do with technical assistance and local control. Our testimony gives evidence that there has been provision for training and technical assistance, but it has been on a competitive basis. The best applications get the funding, and this is not always geographically proper.

We have, in some instances, technical assistance available in some parts of the country and not available in other parts. We feel we are offering some ideas on how to make that. Certainly there should be a provision for technical assistance to improve the quality and substance of those applications.

We are concerned that, not only should the Indian Education applications be looked at in the realm of Office of Indian Education for funding, but if we can help them prepare better applications, and there are certainly other places that Indian education needs can be explored.

Mr. TONEMAH. Excuse me. Do you mean other OE programs, for example?

Mr. GEORGE. Yes, sir. Also we haven't come to a concensus but we have mentioned the possibility of the provision of some technical assistance in addition to the grant so that the purchase can be made onsite. Ordinarily the time lag and responsiveness of technical assistance providers makes it prohibitive that they can arrive when there are crisis kinds of things or special things they would want to develop.

Often it is an improvement to have the money on the project level, to be able to buy the skill you want or need at that time. I think too it tends to make the provider more responsive. He knows where the bills are being paid from. We feel there would be some advantages. It would certainly make that provider more accountable for quality work.

I think that pretty much summarizes the technical assistance expression.

Mr. TONEMAH. One more point on this. In a recent meeting in Dallas, the council discussed the quality of the technical assistance provided to the projects, the title IV projects. One of the goals of the council this year is to evaluate the contractees and to offer assistance and recommendations to the contractors and ways to improve the quality of technical assistance to the grants.

This is a priority with the council. In addition, the council has, in its own mandate, the ability or requirement to provide technical assistance to the grants also. We have done this on a very limited basis this year because of lack of funds.

We have one of the most important technical assistance services that the council has provided in the area of parent, committee, and LEA conflicts, serving as a third party to generate discussion, as a moderator, as an ombudsman, if you will, to get the people talking to each other, to resolve the questions of the differences there.

When there were questions of policy, the council does not have that authority to make the decision on what should happen with those programs in terms of a resolution of the differences. We have deferred to the program people in the Office of Indian Education on numerous occasions for interpretation and for direct decisions on the policy.

The kind of technical assistance our council gives is more of an assistance but we are not policy people. We do not make policy decisions. Even though it is in our law, we want to clarify the difference and the kind of technical assistance we provide and that provided by the Office of Indian Education.

Ms. RHODES. One of the things we are finding too is that the superintendents do not have a clear understanding of the law and the act, and if they are to translate it to the parents committees, there is often a loss somewhere and they are both confused.

If technical assistance was provided to the school districts, we probably would not have a lot of school districts turned down. The simple wording, "planning and supplementing," just tears them up.

Mr. BLOUIN. Technical assistance, in your opinion should go to both the school board and the parent committee as opposed to relying on one to translate it to the other?

Ms. RHODES. Right. Yes.

Mr. GEORGE. I also see what I think is an improvement. The Office of Indian Education, in establishing their computer setup, has made some provision for identifying the weak areas so that there is a better diagnosis of where the Indian Education applications are falling short. I envision the technical assistance providers should be able to utilize that information in providing the proscriptive type of things that would help the applications.

I think the other advantage of having technical assistance is that we must also look at other kinds of technical assistance are available and not rely solely on the Indian Act technical assistance. There is a lot of other free help around but I think we have to do the job of identifying it and identifying, also, the special expertise on which we can draw to provide that assistance.

We too were concerned about the law not providing the option for the parent commitees to incorporate and apply for the title IV funds. We do not have a formal recommendation to this effect but we do feel that this alternative should be explored and certainly, the word "parity" becomes a problem area when personnel are hired.

Schools traditionally adhere to those working in the buildings as their employees so there is always a problem about when they get a bad apple, who should fire them. Also, in the recruiting and selection of the people hired under title IV, sometimes is a problem area between the local education agency and the parent committee.

Mr. TONEMAH. I would also like to point out you asked a question of Dr. Gipp concerning the feedback from the people in Minnesota concerning changes in the law, technical assistance workshops, and so forth.

NACIE also performs this service. We set aside at least one full day at our public meetings in the field for testimony and presentations from local people, tribal people, organizations, whomever, to express their concerns on their own projects, on title IV, and other educational issues.

These bearings serve as a basis for a lot of recommendations that the council brings forward to the Commissioner of Education and to the Congress, and whomever it applies to, So we also serve as a forum for information and liaison.

Ms. RHODES. I am going to talk to you about the coordination of the programs. One of the things the National Advisory Council on Indian Education recommends is that the Office of Indian Education and the Office of Education institute a coordinated effort to insure American Indians and Alaskan Natives access to all the U.S. Office of Education programs and recommend implementation of administrative or legislative action to resolve the problems of access.

It is really not feasible for all of the Indian tribes or all of the Indian organizations to find out about all of the grants.

I come from an urban area and we have so many tribes, it is really a complicated situation where one tribe knows about it and the other tribe does not know about it. You have boundary lines. This tribe can serve so far and everything, but if all the Indian people, organizations, tribes, and educational programs knew there were other grants for which they could apply and coordinate some effort with the other Office of Education to somehow disseminate the information so that they can apply, not only, to title IV but to other programs that are available.

One of the things the advisory council would need to do would be to work with the Indian leadership to see that this happens. Often this means many meetings. You have to sit down and talk to the people and explain there are other programs available, how to apply for these programs.

Sometimes it is very cold to them because each program will have a different application form you have to fill out. Sometimes we need not only technical assistance under title IV, but technical assistance for that too.

We would like to encourage the American Indians and Native Alaskans to apply for these programs also.

On topic six, the non-LEA setaside, the National Advisory Council on Indian Education recommends that the provisions of the Indian Education Act not be changed. The current 10 percent setaside should be allowed to remain the same.

On topic seven, Indian preference, this can be a very touchy problem sometimes. The reason we prefer Indian preference sometimes is related back to us through the people that say they can relate better to their own people.

We have programs set up now. We are training our people; we are educating our people to the point that they are capable of handling the job in the Office of Indian Education and if we have people who are qualified to be in the Office of Indian Education, we would prefer an Indian preference.

Take, for instance, we don't have any differences between the blacks and whites or anyone else who works in the Office of Indian Education. It is just that the people who are coming from different parts say, why are we training or teaching all of these people if they can not move into those positions?

Mr. **Tonemah.** Obviously the issue of Indian preference in the Office of Indian Education has a lot of problems relating to the definition of "Indian," and so forth. One of our own responsibilities is to be consulted by the Commissioner of Education on the definition of an Indian. If he comes to consult with us, we will work with him but it is extremely difficult. It is an issue which needs to be resolved. and there is no easy resolution to it.

Mr. **Blouin.** Why don't I ask you, what is your opinion of the definition of Indian in OE?

Mr. **Tonemah.** In the third annual report, the council has made several recommendations as to possibly a way to tighten up the definition. Because of the loose definition, here are a lot of people, we feel, claiming to be Indian and the school district are encouraging them to do this because there is money available there. This is ripping off Indian moneys that should go to legitimate Indians.

We recommended, in the third annual report, that in the definition—I will let Ted speak to this because he was the chairman, at that time, of the Council.

Mr. **George.** We realize the definition was a very difficult thing, so we initiated contacts, starting out, first of all, with tribes, to see what we could sort from that. We sent out to 300 and some tribal groups and requested their assistance in helping us arrive at a definition that would satisfy the intent of this act.

We got back some fairly good responses through them but as far as definition, I think I would prefer that we provide for you, from the record, our recommendations. I am not sure that I could verbatim provide that.

Mr. **Blouin.** Could you tell us generally, what, in your opinion, is basically wrong with OE's approach to defining Indian?

Mr. **George.** Well, I think generally we feel it is a little too liberal, two generations removed——

Mr. **Blouin.** Should there be a floor, a minimum blood quantum?

Mr. **George.** The blood quantum issue is pretty much—we leave it to the tribes who maintain it is their sovereign right.

Mr. **Blouin.** So sometimes tribe acceptance of that individual's Indian allegiance, would you tie it to that?

Ms. **Rhodes.** Well, there are some tribes in Oklahoma where you have to be one-fourth to be a member of the tribe, yet when they come into an urban situation, they will come along and say, are you an Indian and they will say, yes, even though they might be one-eighth and they might not be a member of that tribe. They can still qualify for these funds, title IV funds.

Mr. **Blouin.** Where should the cutoff be, in your opinion?

Ms. **Rhodes.** Half. No. I'm just kidding you.

[Laughter.]

Mr. **Blouin.** Let me ask you once more; where should the cutoff be?

Ms. **Rhodes.** That is a good question.

Mr. **Blouin.** Should it be left up to the tribal councils; should a person have to get acceptance by that tribe as a member of that tribe in order to be counted?

Ms. **Rhodes.** Let me ask something here. Does it not say in the law that if they are recognized by the community as an Indian, then they are an Indian? That means you could be blond haired and blue eyed but association with the Indian people and you say you're an Indian just because you want to be an Indian, and you can be recognized as an Indian.

Mr. **Tonemah.** I think the tribe should have that prerogative to name their members. If a person claims an affiliation, I think it is the tribe who should have that right to sanction that. You run into a lot of other problems in that regard because being members of intermarrying of tribes, et cetera, you may claim a member of a certain tribe and that tribe says "No," you're not. Even though you have their tribal background in your bloodlines, there are a lot of problems involved in that and we discussed and cussed this for over 3 years now. I don't know what the regulation should be but I think it has to be tied with tribal sanction somewhere. How that goes, I don't know. I am not that smart.

Mr. **Blouin.** The more I think about it, even if you are tied to the tribe, when you tried to apply that to Alaska, you would get a real problem defining tribe.

[Witnesses nodding affirmatively.]

Mr. **Blouin.** What do you do at that stage?

Mr. **Tonemah.** I think we are in agreement that the definition is very liberal.

Mr. **Blouin.** I have a hard time believing there are 350,000 genuine Indian kids in the public schools in this country. That figure flabbergasts me. I would be very interested in seeing the 1970 census. It will either show the fastest birth rate in the history of mankind or it will be a heck of a lot of 5-, 6-, and 7-year-olds in high school.

I want to read the record back if that one is printed up.

Mr. **George.** I do think there is some relief in sight as far as enumeration goes. The Census Bureau is initiating an effort to use Indian enumerators in the coming census and we are already involved significantly with that effort, but that offers us no immediate relief.

Mr. **Blouin.** How would that work? I have less faith in the Census Bureau than I do in BIA or OE.

Mr. **George**. I presume they would use enumerators from a particular tribe or geographic area and utilize—I am not sure how the process would work but they feel that Indian enumerators would probably better know where to look and to identify them. I am not aware of the process.

Mr. **Blouin**. Even if you go to them, somewhere someone has to draw a line and say above the line is an Indian and below is not. Someone has to lay the ground rules.

Mr. **Tonemah**. In our discussions with the Census Bureau, we are going on self-identification. I think that is the way they will move, relating to the same kind of problem. They will only be taking a sample. They would not be talking to each and every person in the United States.

Mr. **Blouin**. If they ask "native American" as opposed to an "Indian," you have all sorts of problems.

Mr. **Tonemah**. And how do you do this, find a sample of Indians in an urban area, an extremely concentrated area? It is a difficult decision.

Mr. **Blouin**. Is it worth the cost that would obviously be involved in literally trying to identify the Indianness of every one of those students compared to just getting it and putting that administrative money into the program?

Ms. **Rhodes**. It really is not all that much of a problem. They send it home to the parents and the parents send it back or they might go out and see the parents, but I wouldn't see that much of a cost administratively. They turn the forms back in and then they are turned back in to the State.

Mr. **Blouin**. If can see an incredible cost if you are talking about some kind of a verification process.

Ms. **Rhodes**. If we had to sit down and verify every one of them, that would be a process. We would be on it from here on.

Mr. **Blouin**. We could spend the whole budget on that.

Ms. **Rhodes**. We are taking their word.

Mr. **Blouin**. What about giving the parent committee the final authority, instead of just passing review, to say this kid really isn't Indian.

Mr. **Tonemah**. I think it would be all right but you would have to strengthen the membership on the parent committee.

Mr. **Blouin**. Are they all elected now, parent committees?

Mr. **Tonemah**. I think they are supposedly elected, yes.

Mr. **Blouin**. How then does that work?

Mr. **Khan**. The parent committee is selected—as stated in the law, they are selected by the Indian community.

Mr. **Blouin**. Selected by the Indian community. It doesn't say elected, it says selected.

Mr. **Khan**. The word used is selected.

Mr. **Blouin**. Are they appointed?

Mr. **Khan**. In practice, they are elected.

Mr. **Blouin**. All are elected? There are none appointed?

Mr. **Khan**. Let me describe to you the parent committee. Fifty percent have to be the parents of Indian children and of the remaining members, there must be at least one teacher and in the secondary school, the students from secondary schools could be members of the parent committee.

Mr. BLOUIN. The teachers and students as members of the parent committee?

Mr. KHAN. That is in the law, sir. It is in the regulations.

Mr. BLOUIN. That is incredible, but they are elected?

Mr. KHAN. In practice, they are elected because that is the way it should be but the requirement is that they are selected.

Mr. BLOUIN. But there are none appointed now?

Mr. KHAN. Only in the case of Pueblo students, where tribal governors always appoint committee members.

Mr. BLOUIN. They are all elected?

Mr. KHAN. Yes, sir.

Mr. BLOUIN. By who, by the parents and students?

Mr. KHAN. And the teachers of Indian students.

Mr. BLOUIN. The Indian parents, Indian students and teachers of Indian students?

Mr. KHAN. [Nods affirmatively.] That is the membership of the committee.

Mr. BLOUIN. Is that a workable process for selection of a meaningful parent committee, in your opinion?

Mr. TONEMAH. I don't think it has worked as well as it could have. I will let Donna talk to that because she is a parent.

Mr. BLOUIN. What could be done to improve that. First of all, if we are going to give them some authority, involved in the identification at least, what could be done to that structure to improve its meaning?

Ms. RHODES. Really, if the teachers are going to be selected or elected and put on there, then I think the parents should be the ones to elect or select the teachers to put on there because often we find that teachers are on there who really are just put on there or are selected to be put on there. Sometimes the students are not elected; they are selected to be put on there.

Even though this is supposed to be an election situation, often this is not done because some of the parent committees, themselves, are not trained to know how to run an election and they just go along with what is told to them.

Mr. BLOUIN. Do they have a meeting, everyone shows up at the meeting and those who show up, vote, like the Farm Bureau puts their platform together?

[Laughter.]

Mr. BLOUIN. The same kind of thing, right?

Ms. RHODES. [Nods affirmatively.] We have some very good parent committees——

Mr. BLOUIN. Let's put it in terms I understand.

Ms. RHODES. Many really don't understand why they are on the parent committee. We say this technical assistance is needed for these parent committees because they need to know why they are a parent committee. They need to know what authority they do have.

Often you will come across an Indian parent who can hardly speak English, saying, what's this, I can't read, I can't write, I don't know what I am here for.

Mr. BLOUIN. How would you change that?

Ms. Rhodes. I would come along and put it 75 percent parents and 1 or 2 teachers, more students too. The students, if they are capable of speaking up, have more input to tell the parents, this is what we would like or this is what we need.

The teachers are fine because they work in the school system and they know they have to follow and everying.

Mr. Blouin. Would you like to establish a meaningful election process?

Ms. Rhodes. Yes.

Mr. Blouin. Then in terms of powers, what kind of authority would you try to give this parent committee?

Ms. Rhodes. You just got through referring to the signoff forms that the parents have to go through. Parents will have to review all of this. It is hard to come along and say you are not Indian and all of this kind of thing. I don't know really.

Mr. George. Mr. Chairman, I believe that the act itself is very specific about the involvement of the parent committee and the development, implementation, evaluation and I think in those areas, there can be probably a more definitive explanation of precisely what that language means so that process and the provisions are adhered to.

I do not think that is strong at all and I think we come up short there. I would encourage, as you mentioned a little earlier, the parent certification. I think that is probably the most logical. Schools will not do a very good job at beating the bushes.

Mr. Blouin. I would assume that the school has a built-in conflict of interest. Everyone they count, they get more dollars and you will count a heck of a lot.

Mr. George. I think too you were all a little dismayed, as we saw, and there were, I am sure, districts which padded numbers significantly and it bothered us. I think that is why we are concerned and the Office of Indian Education is concerned that certification tended to reduce that somewhat.

The other thing you mentioned earlier, with which I concur, is the needs assessments are often, in my opinion, very inadequate. I am sure some technical help is needed so that the community can really come up with something that has some real meaning.

As an example of this, an adult education needs assessment I was aware of really established precisely what community wanted. This had to do with a part C program, and it was not necessarily academic.

I have a little disagreement with part C because I think in order to bring Indian adults into education, many of the academic things have scared them off. They have had bad experiences. I feel, in my opinion, there should be a liberalizing of the part C. The Indians in one particular community, of which I am aware, were interested in small engine repair. They were interested in something that related to agriculture and this did not relate to agriculture. Those kinds of things were not available from any sources.

I think once we can provide them with something that is perhaps not academic in the beginning, that eventually they will see the need for the academic part.

Mr. Tonemah. There are three specific things I would mention, actually four. One is, I think in the law now, where the parent committee signs off on the project, approves the budget, et cetera, I would strengthen the budget part that there be a stronger voice by the parent committee in the distribution of funds.

Second, I think, in the hiring of personnel, this should be clarified and more authority given to the parent committee in the hiring of personnel. This has been—I think a lot of the conflicts in part A, the personnel thing between the school districts and the parent committee has arisen time-and-time again. I am sure Mr. Khan would corroborate that.

Third, I think the certification by the parent committee is extremely important. Those are the types of things, I think, if they could happen, it would strengthen the parent committee's involvement.

Mr. BLOUIN. Does staff have any questions?

Mr. CROSS. I have two quick questions. In the advisory council membership, Mr. Tonemah, I note the law says they are to geographically represent diverse areas. There is no one from Alaska on the list.

Mr. TONEMAH. Linda Blande is a native of Alaska, a Tlingit from Alaska.

Mr. CROSS. But she is in New Mexico.

Mr. TONEMAH. She is now in New Mexico but when her application came through 2 years ago, she was from Alaska.

Mr. CROSS. She was living in Alaska at that time?

Mr. TONEMAH. [Nods affirmatively.]

Mr. CROSS. Her term is now up?

Mr. TONEMAH. There are five members whose terms are supposed to expire September 30. They were continued because the new recommendations have not been formalized yet.

Mr. CROSS. Have recommendations been made to the White House?

Mr. TONEMAH. The last I heard 2 weeks ago, the Office of Education, the new and alternate nominations had been sent to the Secretary's office. Once it goes through the Secretary's office and they do whatever they have to do, it goes to the White House.

Mr. CROSS. Does that include Alaskan representation?

Mr. TONEMAH. I would assume it would. We are not privy to that information. It's done by the Office of Education.

Mr. CROSS. The law says, the President must select from people represented to him by Indian tribes and/or organizations. Does that process work?

Mr. TONEMAH. The nominations are from tribes and/or Indian organizations, et cetera, Indian people. How the list is pared down in the Office of Education, I do not know, but there have been questions as to whether or not that process does work.

Mr. CROSS. Is there active solicitation? Does OEO send out letters?

Mr. TONEMAH. Yes. The OEO does and we, as a service to the Office of Education, send out notification of applications for nominations. The process will probably be starting for next year shortly.

We have aided and informed the national Indian organizations, the State education organizations, and whomever in States where there are Indian population concentrations.

Mr. CROSS. One final question. You heard the response from the Office of Education about your recommendation to have a minimum of 15 students in a district. What is your response to their response?

Mr. TONEMAH. If I recall, their response was to keep it the same.

Mr. CROSS. Yes. They said even if you only had a handful of students, it was "worth the price," if I haven't misquoted them.

Mr. **Tonemah.** I think, as we stated in our testimony, this is a difficult decision. I think you want to make the most of the amount of money that you have. It is a difficult decision to do away with a number of eligible school districts but a lot of those school districts are not applying and there are a lot of school districts who have a minimum of 50 and are doing something.

Mr. **Cross.** Would you leave the 50-percent criteria in the law that is in there now?

Mr. **Tonemah.** It says 10 or 15 percent.

Ms. **Rhodes.** I didn't think that was in there.

Mr. **Cross.** I think it is. I think it says a district is supposed to have 10 students or 10 percent.

Mr. **Blouin.** At least 10.

Ms. **Rhodes.** Not 10 percent.

Mr. **Blouin.** Well 50 percent of the total enrollment.

Mr. **Cross.** You would leave in the 50 percent or not?

Ms. **Rhodes.** [Nods affirmatively.]

Mr. **Tonemah.** [Nods affirmatively.]

Mr. **Cross.** OK. Thank you.

Ms. **Rhodes.** There is only one thing we didn't talk about in here, the funding of title IV.

Mr. **Blouin.** Go ahead.

Ms. **Rhodes.** It is very difficult——

Mr. **Blouin.** I saw that budget there and I thought it was best not to talk about it. You only want 1,000 percent increase in part A. [Laughter.]

Ms. **Rhodes.** It is a very touchy situation with us. You all not only catch it, we catch it too. In funding of these programs and things, I saw a lot of very good programs that were really benefiting the Indian people completely go because there is a lack of funds.

Mr. **Tonemah.** Realizing that this is an authorizing committee and not an appropriations committee, we still feel we should go on record saying these kinds of things.

As I started my initial statement, this has been the most significant piece of legislation for Indian education that has been passed. For continued growth and development, obviously more funds are needed.

With these recommendations we are making, are hoping that the act can be improved. We also request that a minimum ceiling of 66 personnel in the Office of Indian Education be adhered.

The last part of our testimony is self-serving. As you know, the President has asked to have advisory councils reviewed, et cetera. We testified, before the same committee, concerning that. We wanted to make this a part of the record too.

The National Advisory Council on Indian Education, and one other council, which is a presidentially appointed council, were the only two councils in the Office of Education that were recommended both by OEO and HEW to remain intact. They serve a variety of functions and I think we are doing our job.

We have a limited budget; we would like to have more money, but that is the case for another committee I know. We just want to go on record stating that other people view our council as being significant and we are doing something positive for Indian education.

Mr. **Blouin**. Within the limits of your budget, how often are you able to meet?

Mr. **Tonemah**. We are required, by law, to meet a minimum of two times and we have been able to meet that requirement. We try to meet quarterly in Indian populated areas, so as to allow Indian people, tribes from that area, to come in to see who we are, to tell us their concerns, so we can relay them back to the appropriate people.

Mr. **Blouin**. What is your staff?

Mr. **Tonemah**. There are only three of us right now. Because of budget limitations, the council has made a decision to eliminate one more of those.

Mr. **Blouin**. You will be down to two?

Mr. **Tonemah**. We will be down to two and that places quite a burden on us.

Mr. **Blouin**. What is your total budget?

Mr. **Tonemah**. $150,000 for this next year. With the mandate we have, we have two responsibilities that are more than advisory, one being the conducting of a search for the deputy commissioner for the Office of Indian Education which we did this year. Dr. Gipp, obviously, was the appointee.

The second was to review applications for funding under title IV, which is a tremendous task in itself. That constitutes one of our meetings for this year. Obviously we have to cut back somewhere for the council to function, we have had a reduction in staff, a reduction of the number of meetings we have, a reduction in the number of on-site visits, the number of technical assistants.

Mr. **Blouin**. Have you ever tried to meet with a cross-section of parent committees in some of the major urban centers where there is a large concentration of parent committees? Do you ever try to get out into the field with them?

Mr. **George**. [Nods affirmatively.]

Ms. **Rhodes**. Individually.

Mr. **Blouin**. Individual board members?

Mr. **Tonemah**. Yes, a lot of times. It is free, gratis, on their own.

Mr. **Blouin**. Do you think it would benefit the study committee to do that?

Mr. **Tonemah**. I think so, yes. The comment you will hear, I am sure from others, is you have the organizations here, but where are the parents?

Mr. **Blouin**. The problem with parents is there are no funds to get them in here, for them or us, whereas we can, both as an advisory committee and as a committee of Congress, get to them.

Mr. **Tonemah**. I think it would be most beneficial.

Mr. **Blouin**. Where would you suggest it would be most beneficial to touch bases?

Mr. **Tonemah**. Obviously, both of us being from Oklahoma, that would be a good place. You do have the largest number of applications coming from that State. Also, California, somewhere in the northwest.

Mr. **Blouin**. Are you talking about Los Angeles primarily?

Mr. **Tonemah**. I would defer to Dr. Khan. He knows the concentration.

Mr. **Khan**. Oklahoma has decidedly the largest number of grantees. Southern California would be a good place to hold a meeting; in L.A., there are a lot of them in the population.

Mr. BLOUIN. L.A. primarily?

Mr. KHAN. That being an urban area.

Mr. BLOUIN. How about the midwest, Minneapolis, Chicago, do they have concentrations?

Ms. RHODES. Chicago does.

Mr. KHAN. Not Chicago so much as Minneapolis.

Mr. BLOUIN. How about Tucson or Phoenix?

Mr. KHAN. Phoenix, yes. Arizona-Gallup, if you met there it would be very good and I would suggest sometime up in the Boston area. We have few projects but it would be good to see what the parents there are thinking of their problems. You could have a regional meeting.

Mr. BLOUIN. I didn't realize you had much in New England.

Mr. KHAN. We don't have a large population but it is interesting to see what the problems there are.

Mr. TONEMAH. I would suggest also the Dakotas or Montana. There are quite a few there in the northwest.

Mr. BLOUIN. We are going to be, for about a week in December, visiting Montana and Washington States, primarily on or around reservations. Maybe there are ways of—of course, we necessarily will come into contact with many of those parent committees.

Mr. TONEHAM. Our chairman, Tom Thompson, is from Montana.

Mr. BLOUIN. It might be easy to work both in Chicago or Minneapolis, either coming in or coming back.

Ms. RHODES. We would love to have you in Oklahoma too.

Mr. BLOUIN. We were there in July for 3 days, in Oklahoma. We visited both parts of the State, east and west, but we did not work in the cities, other than to meet with some of the tribal people. We would be very appreciative if your staff would work with our staff in trying to make contact with the right parent committee people.

Mr. TONEMAH. We would be pleased to.

Mr. BLOUIN. That is always a problem from our aspect, trying to get ahold of names of who is out there to even begin to work with them. We have been in the field. After our December trip, we will have been to every BIA region of the country, with the exception of California but including Alaska, in an effort to touch bases, as much as possible, over the last year or two, to educate ourselves. I think this is probably an essential part of that.

Mr. TONEMAH. I would like to invite you and any members of the staff to our next council meeting November 4 to November 6 in St. Paul, just prior to the NIEA conference. We would be pleased to have you address our group, if at all possible.

Mr. BLOUIN. Alan Lovesee just mentioned that he is going to be at that NIEA meeting in Minneapolis on the 7th. We might be able to work out getting him up there a day or two sooner. We will do our darnedest.

Mr. TONEMAH. Very good. Thank you very much.

Mr. BLOUIN. Thank you. Our third and final panel, and as I call your names, will you just come to the front, Mr. Joe Dupris, director of the Coalition of Indian-Controlled School Boards; Mr. Leland Bordeaux, superintendent, St. Francis School, St. Francis, S. Dak.; and Ms. Pam Edge, chairperson, Western Oklahoma Indian Education Coalition.

As I understand it, that is the sum total. There were a couple of others but for one reason or another, they had to cancel out for medical purposes or what have you. Are there others with you folks?

[No response.]

Mr. Blouin. The subcommittee has copies of the complete texts of all of your statements. They will be inserted in the record in total and, if you would like to summarize or divert from it feel free.

[The prepared statements of Joe Dupris, Leland Bordeaux, and Pam Edge follow:]

STATEMENT OF THE

COALITION OF INDIAN-CONTROLLED SCHOOL BOARDS, INC.

TO THE

SUBCOMMITTEE ON ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION

IN CONJUNCTION WITH THE

ADVISORY STUDY GROUP ON INDIAN EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR

CONGRESS OF THE UNITED STATES

HOUSE OF REPRESENTATIVES

WITH RESPECT TO

OVERSIGHT HEARINGS ON INDIAN EDUCATION

TITLE IV, THE INDIAN EDUCATION ACT, P.L. 92-318

October 6, 1977

SUBMITTED ON BEHALF OF THE COALITION
OF INDIAN-CONTROLLED SCHOOL BOARDS, INC.

By: Joe Dupris, Executive Director
C.I.C.S.B., Inc.

My name is Joe Dupris and I am the Executive Director of the Coalition of Indian-Controlled School Boards, Inc.

The C.I.C.S.B., Inc. is a community-based organization with a membership of over 160 member schools, who are at various points in controlling their children's educational process. Our platform - indeed our whole purpose in being - is summarized simply: To bring about greater control of Indian education by Indians. In our view, coercive assimilation - accomplished by denying Indians the right to educate their own children in the manner of other American communities - has caused a tragedy of astronomical dropout rates, low achievement scores, and untold misery for so many Indian people. Although progress has been made, we believe there are serious flaws in the mechanisms presently existing for educating Indians.

We thank you for inviting us to address you.

OVERVIEW

The two central questions surrounding Congress' role in Indian education are: 1) Why should the Federal government assume a special obligation in the area of Indian education and 2) what should its overall Indian education policy be?

THE FEDERAL OBLIGATION TO EDUCATE INDIANS

There are three cogent reasons why the Federal government must recognize a special responsibility to Indian education. First, many treaties and executive orders expressly obligate the United States to provide educational services to particular tribes. While not every tribe has such a treaty or executive order obligation, there are approximately 118 such agreements. Second, the United States has moral and ethical obligations to educate Indians based on the fact that it is principally responsible for the abysmal condition of many Indians today. This moral and ethical obligation, is moreover, bolstered by the special status of Indians under the U. S. Constitution. Third, and most important, given the traditional and very persistent hostility of many States to Indians and the whole notion of tribal sovereignty and identity, Indians must rely on the Federal Government for this basic service. Quite simply, States are not capable of educating Indians without the vigorous involvement of Federal policy and dollars. Indian cultural integrity is essential to quality Indian education. Yet, only the Federal Government can guarantee that integrity. That is the conclusion of every major Indian education study in recent years beginning with the Special Senate Subcommittee on Indian Education in 1969, which said:

> "At the heart of the matter, educationally at least, is the relationship between the Indian community and the public school and the general community and the public school and the general powerlessness the Indian feels in regard to the education of his children."

In short, Federal dollars for Indian education remain the only means for insuring Indian involvement in Indian education.

FEDERAL INDIAN EDUCATION POLICY

The Federal responsibility toward Indian education translates into an obligation to guarantee equal educational opportunity for Indian children. For Indians, equal educational opportunity, however, means self-determination. Again, all major studies and Indians themselves confirm this conclusion. All Federal Indian education programs should thus be directed toward giving Indian communities a direct legal voice in the operation of their own schools. We feel it is only through this legitimizing force of the Federal Government that guarantees a voice for the Indian parents and community in the education of Indian children. These guarantees need to be reaffirmed in such Federal programs such as Title I, Title IV, and J.O.M. which are similar as to legislative intent, they do not, however, generally buy the same services for the same students at the local school level. Each are major pieces of Indian education legislation which help insure a direct legal voice in the operation of their schools.

TITLE IV, THE INDIAN EDUCATION ACT

The Coalition of Indian-Controlled School Boards, Inc. has always felt Title IV, The Indian Education Act, to be an act that would make significant impact on Indian children's educational process. The Coalition felt so positively about this legislation that we sought private funding to initiate the Redman vs. Ottina law suit which led to the release of funding impounded by a former President of the United States in June of 1973.

Title IV is the only program within U.S.O.E. that specifically authorizes funding solely for the purpose of meeting the special educational needs of American Indian and Alaska Native children and adults. The Indian Education Act is indisputably landmark legislation for Indian people. The Act, in addition, provides an unprecedented and exclusive opportunity for Indian parents to become involved in their children's education through participation on parent committees. The opportunities are provided through Title IV for Indian parents to have an impact on the American educational system.

The continuance of the Indian Education Act is imperative for further research and investigation of effective Indian education programs. Part A of the Act is essential to the improvement of the minimal education offered by local education agencies to Indian students. The lack of sensitivity and disregard of the special needs of Indian students is recorded history. Title IV Programs in the public school system, for Indian children who are living away from their home reservations, are their hope for retaining their identity.

* With respect to Title IV Programs, the C.I.C.S.B., Inc. recommends that the Title IV statement of purpose be expanded from "*To meet special educational needs of Indian students*" to "*To meet the special cultural and educational needs for Indian students.*" The cultural background which includes the rich heritage of the many tribes being served can easily be incorporated in the curriculum of the total school. This would benefit the Indian student in two ways: First, in gaining a better understanding of their own cultural heritage, and Second, in educating their non-Indian peers to the impressive cultural heritage and contributions that Indians have made to society.

* The C.I.C.S.B., Inc. believes that to impact and adapt the educational systems, local Indian control of programs designed for Indian students must be strengthened. Provisions must be made for appropriate and flexible involvement of the tribal entity and the strengthening of the representative parent committee.

Public school Indian enrollment is often multi-tribal, and one which calls for Indian community involvement and control through a representative parent committee. The Parent Committee must be strengthened by training and also by legal clarification of their role in the total process. One such clarification is the need for provision in the Act which would allow the guardians of Indian children, in many cases the grandparents, to participate and be members of the parent committees. The guardians of Indian children should be permitted to legally serve on parent committees in place of the actual parents when necessities require such situations and have full rights on the parent committee.

* Recommendations

Indian parents have had to accept the educational offerings rules and regulations of the schools their children attended, with little or no knowledge of how the schools operated. Therefore, when Indian parents choose to exercise the right of determining an educational offering, they must be able to delineate their responsibilities and rights. Through the development, implementation, and evaluation of Title IV, Part A Grants and through complete parent committee participation, an Indian parent, guardian, or an Indian parent committee can, legally and legitimately, adapt the established educational system, to make it relevant for their children.

* C.I.C.S.B., Inc., supports the Office of Education's recommendation to set up a subsection specifically providing for technical assistance. An immediate and obvious advantage is that these programs would not be competing for the same funds as the programs they are assisting. This would eliminate the fact that technical assistance projects are presently in a position of competing for funds earmarked for direct services to Indian children in order to provide services that indirectly benefit the children. The specific benefits of technical assistance projects is helping in training Indian communities in community development, needs assessment, leadership, and in improving community/school relations and communications. T.A. helps teaching staffs become more aware of the special needs of Indian children through teacher awareness workshops. It also provides training and techniques of curriculum development to improve the quality of Indian education programs. We believe community-based T.A. results in greater cost-effectiveness, for both O.I.E. and grantees; more efficient information delivery systems;

* Recommendations

improved program management design; reporting and evaluation; greater understanding of Office of Indian Education rules, regulations, and guidelines; and ultimately, a productive working relationship between grantees and O.I.E. If T.A. were funded with sufficient funds to provide quality training to school districts and to parent committees of the district there would be fewer problems to resolve between parent committees and school districts.

- C.I.C.S.B., Inc. recommends the creation of a new section of the bill to allow for conducting research on Indian education with Indian preference stipulated very clearly in grants let under this Act to include Indian tribes, Indian institutions, Indian organizations, and Indian individuals. It is important for research to be conducted that will allow for data gathering that would substantiate the impact that Title IV has made in Indian communities which would show documented proof of program success which is presently being requested by Congress when reauthorization of the Act and appropriation for the Act is considered by Congress.
- We recommend that the Part A, non-LEA set-aside be changed to a sliding percentage that would allow each of the 40 eligible Indian-controlled schools a minimum grant amount of $200,000. Up to now, there has been a maximum of 3.2 million dollars under this set-aside to allocate among eligible schools, which amounts to a maximum of $80,000 per each eligible school. If self-determination is to be the policy, then funding must be made available to those tribes/communities who desire to set up and control their children's educational process.
- Recommendations

* We recommend that Part C of the Act, dealing with adult education, be maintained and adequately funded. We feel it is a must in every reservation or urban situation and will continue to be necessary until the effects of past lack of education or low-quality education of the American Indian population have been overcome.

A summary comment relative to Title IV concerns the administration of the enacted legislation. We believe Title IV to be a landmark of achievement in Indian Education and that Title IV is of utmost value to the Indian communities. The implementation of the legislation has not, however, matched the quality that should be expected with such an important legislative Act. Title IV has been marred by controversial implementation practices of the administrative agencies involved in dispersing and granting the funds. This has led to law suits and general unrest among the Indian organizations, tribes and people who are to receive and provide services with the Title IV Funds. We believe this administrative implementation of Title IV can be improved and must be improved in order to insure an orderly, fair, just, and impartial awarding of grants and funds. To this end, it may be necessary to include within the legislation the specifics necessary to protect the Indian communities from administrative and implementation deadlocks and the need to institute law suits. This is not to say that these problems will be totally eliminated, but it may insure a more proper, efficient, and competitive allocation of grant awards.

The Coalition of Indian-Controlled School Boards, Inc. Firmly believes in the value and importance of Title IV and we believe the Act and the administrative implementation should reflect the spirit, intent, and

* Recommendations

actuality of P.L. 92-318, The Indian Education Act. If to accomplish this objective, the rules and regulations must be written into the Act in detail, then we recommend this corrective action. We also would like to reserve the opportunity to provide further recommendations as to specifics that may arise in the actual language and intent of the Act as it is considered for reenactment in the near future.

We again thank the committee for the opportunity to present our testimony and recommendations.

A SUMMARY OF RECOMMENDATIONS

To complete our testimony, the CICSB, Inc., makes the following recommendations. But the Committee must be reminded that the Coalition's recommendations to this body are several, but they do not by any means encompass all our thoughts.

The Coalition of Indian Controlled School Boards, Inc., recommends the following:

1. CICSB, Inc., recommends that the Title IV statement of purpose be expanded to read "To meet the special cultural and educational needs for Indian students".

2. Local control of programs must be strengthened. Provisions must be made for involvement of the tribal entity and the strengthening of the parent committee.

3. That Indian grandparents be voting members "In Loco Parentis" on parent committees when they are the legal guardians for children attending the school district.

4. CICSB, Inc., recommends that a subsection specifically be set up providing for technical assistance.

5. That a new section of the bill be created to allow for conducting research on Indian education but that Indian preference be stipulated very clearly in grants let under this Act to include Indian individuals, tribes, institutions, and organizations.

6. CICSB, Inc., would like to recommend that the Part A non-LEA set-aside be changed to a sliding percentage that would allow each eligible Indian controlled school a minimum grant amount.

7. That a procedure be initiated for redistributing funds under Part A. Example: If a project is not meeting the guidelines and monies are recalled, then those monies should be redistributed to other projects within the Part A projects.

8. That Part C of the Act dealing with adult education be maintained and adequately funded and that in the law under Part C that "life coping skills" as well as G.E.D. programs will be considered for funding.

9. That provisions be made to protect and secure for the Indian people, tribes, and organizations fair, just and impartial administrative implementation of the Act and in the funding of projects under the Act.

10. To increase Office of Education's administrative budget and staff ceiling. The current staff ceiling is 40 staff for the entire office and each program staff member under Part A carries up to 160 projects when other projects within the Office of Education carry a maximum of 40 projects per each program staff. This does not provide enough travel money or program staff to provide adequate assistance and monitoring. The visits which are made to local level programs do not allow enough time for the visiting program officer to obtain an adequate and comprehensive view of program activities from all perspectives.

Sicangu Oyate Ho Inc.
ST. FRANCIS INDIAN SCHOOL
ST. FRANCIS, SOUTH DAKOTA 57572

[illegible]

October 7, 1977

Honorable Carl D. Perkins, Chairman
Committee on Education and Labor
U.S. House of Representatives
Washington, D.C.

Mister Chairman:

My name is Leland Bordeaux, Executive Director for St. Francis Indian School which is on the Rosebud Sioux Reservation in South Dakota. I thank you for the chance to participate in this hearing on the Indian Education Act.

As a Bureau of Indian Affairs contract school, St. Francis students and staff have the opportunity to benefit from Title IV programs. The school has a direct contract with H.E.W. for funds from Title IV, Part A, Non-L.E.A.

We have utilized Title IV money for three full years. Through Title IV, we have been able to concentrate on developing comprehensive K-12 programs which we were unable to afford in the past.

We have already achieved one major task in the Indian Studies componet. We now have a comprehensive K-12, Lakota Culture based art program. We soon hope to complete K-12 programs in physical education and in career education.

St. Francis Indian School has benefited from Title IV programs from other organizations.

The Rosebud Sioux Tribe had a Title IV, Part B program which allowed St. Francis to develop and teach health education. For two years, St. Francis students, staff and administration worked to develop a K-12 health education design based on the needs of people on the Rosebud Reservation. I understand that this project was not funded for the upcoming year.

Some of our para-professional staff members have been able to take undergraduate course work because of a Title IV program at Sinte Gleska College, an Indian community college on the Rosebud Reservation. As you can see, the benefits for our school are varied.

Sicangu Oyate Ho Inc.
ST. FRANCIS INDIAN SCHOOL
ST. FRANCIS, SOUTH DAKOTA 57572

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When the Title IV law was originally approved by the Congress, a five percent set-aside was mandated for non-LEA schools, which were primarily Indian contract schools such as ours. At that time, there were less than a dozen of them in existence.

As I recall, the Congress then amended the law to allow for a 10 percent set-aside in order to meet the educational demands of approximately 15 non-LEA schools.

Now, that the number of non-LEA schools has exceeded 30 or double the number, it would seem reasonable to ask for a 20 percent set-aside in order to maintain existing developmental programs.

As we understand more exactly what the needs of each of our students, we find that we have to go beyond the normal programs in order for them to reach the ordinary standards of educational progress.

Finally, we would like to submit additional testimony in regard to the proposed legislation for education within the Bureau of Indian Affairs system. If possible, we would like to submit this at a later date.

The school board of Sicangu Oyate Ho, Inc., and myself as executive director, would like to thank the chairman and members of this committee for the invitation to appear. If there are any questions, I would be glad to try to answer them. Thank you.

TESTIMONY OF THE WESTERN OKLAHOMA INDIAN EDUCATION COALITION BEFORE THE SUBCOMMITTEE ON ELEMENTARY, SECONDARY, AND VOCATIONAL EDUCATION OF THE COMMITTEE ON EDUCATION AND LABOR BY PAM EDGE, CHAIRPERSON, WASHINGTON, D.C., OCTOBER 7, 1977.

The Western Oklahoma Indian Education Coalition is an organization composed of parent committee members, parents of Indian students, staff persons employed in Title IV, and Johnson O'Malley projects, school administrators and other persons interested in Indian Education in the public schools.

This coalition represents twenty-two (22) public school districts in Western Oklahoma which enroll approximately 5,435 Indian students. The greatest concentartion of these school districts is located in Southwest Oklahoma.

The purposes for forming this coalition were:

1. to exchange information about Title IV Projects of various public schools and to share ideas and discuss solutions to problem areas;
2. to share concern regarding future funding;
3. to make school districts aware of the Indian Education Act, P.L. 92-318;
4. to provide unification of parent committees for greater strength in polciy-making;
5. to serve as an informational source regarding Title IV;
6. to provide technical assistance to Indian communities;
7. to strengthen communications between Indian communities;
8. to encourage student involvement in Indian education;
9. to stress the importance of parental involvement in Indian education;
10. to encourage the importance of positive communication between parents, students, school personnel and administrators;
11. to provide an opportunity for ACTION;
12. to provide a forum for unified action to discuss problems in Indian education; and
13. to generate an interest of special educational needs and problems of Indian students enrolled in public schools in western Oklahoma.

We, as concerned parents of Indian students and members of the Coalition, wish to make our voices heard concerning our support of the re-authorization of P.L. 92-318, the Indian Education Act of 1972. With the implementation of Title IV, both reservation and off-reservation Indian children and adults have been provided with educational opportunities previously denied them.

For the first time, we, as parents of Indian students have been provided with the opportunity to determine the special educational needs of our children and to monitor and evaluate the projects which we feel meet these special needs. Therefore, we strongly urge Congress to reaffirm the commitment of Title IV funds to American Indians for the purpose of meeting the special educational needs of American Indian students based on the special relationship which exists between American Indian people and the federal government. (From the National Congress of American Indians Education Committee recommendations.)

However, we feel that changes in the law should be made that would enhance the quality of Indian education and parental participation. Therefore, we support the following recommendations regarding legislative amendments to the Indian Education Act:

1. that Indian heads of households who are caring for Indian children in traditional extended family situations be allowed to serve as voting members of parent committees. The term "parent" in legislation should be changed to read, "those who are responsible for Indian children in loca parentis as it applies to Indian customs (from the FICE Report);
2. that parent committees be required to develop, adopt, and abide by by-laws (NCAI Education Committee recommendation);
3. that if prime-sponsor school districts have letters of agreements from adjacent school districts, they may count Indian students in these districts and in turn provide direct services to those entitled students;
4. that the parent committee have the power of consent in all phases of Title IV personnel action (NCAI Education Committee recommendation);
5. that a new subpart be added to provide technical assistance (in Part A Oklahoma has 197 funded projects with 64 projects disapproved). The need for technical assistance is very great in our state; and
6. that a larger fiscal committment, be made to Title IV, the Indian Education Act.

We also recommend that Indian preference be implemented as an administrative policy within the Office of Indian Education.

Mr. BLOUIN. Why don't we go just down the list, as I mention them. Mr. Joe Dupris.

STATEMENT OF JOE DUPRIS, EXECUTIVE DIRECTOR, COALITION OF INDIAN-CONTROLLED SCHOOL BOARDS, ACCOMPANIED BY BETTY GRESS, ASSISTANT DIRECTOR, COALITION OF INDIAN-CONTROLLED SCHOOL BOARDS

Mr. DUPRIS. My name is Joe Dupris. I am the executive director of the Coalition of Indian-Controlled School Boards. With me is Betty Gress, assistant director, Coalition of Indian-Controlled School Boards.

The Coalition of Indian-Controlled School Boards is a community-based coalition with membership in over 160 schools who are at various points in controlling their own educational process.

Our platform, indeed our whole purpose in being, is summarized simply. It is to bring about greater control of Indian education by Indians. In our view, coercive assimilation, accompanied by denying Indians the right to educate their own children in the manner of other American communities, has caused a tragedy in Indian education.

Although progress has been made, we believe there are serious flaws in the mechanisms presently existing for educating Indians. We thank you for inviting us to address you. I will summarize the testimony since it will be written into the record andI will add a few additional points as we go on.

We believe that the States, in and of themselves, are not capable of educating Indians without vigorous involvement of the Federal Government. It is only through the involvement of the Federal Government that we have a guarantee of our equal education in the United States.

To this point, we believe that equal educational opportunity means self-determination and, as such, we mean that self-determination should be the key point and the guiding light of all legislation relating to Indian education. It is the coalescing point. That would be involved in title I, IV, and all other items such as JOM.

With title IV, we specifically believe it is probably the most important landmark educational activity of the Federal Government to date in providing these types of opportunitities for Indian parents to become directly involved in the education of their children.

It is through the continuance of this Indian Education Act that the parents, within the school districts and in the Indian communities, can have some hope for gaining some identity and cultural heritage in both reestablishing and maintaining that heritage within the community and within the school system.

To that point, we have one recommendation, specifically to address, and that would be to change the wording within the Statement of Purpose. That would be to change it from merely a special education need to "to meet the special cultural and educational needs for Indian students."

This would expand the definition so that all different types of language and cultural heritage would be built into the regular program. As such, it would not be just a limited provision within the act. We feel it is very important, as has been spoken to before and earlier today by others.

The Coalition of Indian Controlled School Boards also believes to truly impact upon educational systems local control, local Indian control of programs must be strengthened and that would involve tribal governments in appropriate and flexible ways, particularly training parents to be truly effective within the educational system.

One technical point relating to those parent committees, besides the need for their training, is in some cases legal guardians are not able to serve on the parent commitees, such as grandparents.

This is not in all cases but there are some cases in which parent committees do not necessarily know their rights and responsibilities. As such, if necessary, if it cannot be done through the rules and regulations, there needs to be some provisions for grandparents who are, in fact, taking care of the Indian children. They should be allowed to have full rights on those Indian committees.

I would emphasize through the part A grants and through complete parent committee participation, an Indian parent can legally and legitimately adapt the school system to make it more relevant for their children. That is very, very important.

The Coalition of Indian Controlled School Boards also believes that the technical assistance operation has an immediate advantage. That would be to train the Indian people and the school districts in the specific needs and how to apply for, and utilize, the funds available to them.

As such, we would encourage a separate section in the act for technical assistance, so that would not be competing with other funds that would go directly to the Indian students. It would also provide for some orderly means for dispersing technical assistance throughout the geographical areas.

As it is now designed, the technical assistance is sporadic and not necessarily designed to handle the entire country. Technical assistance and its advantages has been spoken to before.

This assistance even becomes more demanding when the proposals, especially under part B, which are discretionary, have tended to become very academic. In order to compete in that proposal awarding system, you have to be very skilled in writing grants. Technical assistance, if it were designed to help assist the parent committees and school districts to accomplish the writing of the grants, especially in this part, part B, there perhaps might be little question as to the need for such funds being dispersed to various communities.

Very few Indian communities can afford to have a full-time grants writer. The way and the geographic pattern of where the funds are being dispersed indicates that there may be a need for more equitable access to grants writers. It is very expensive to do that.

The coalition also recommends there be a creation of a new section in the bill which would allow for the conducting of research on Indian education which would have a very specific section in it allowing for Indian preference. That would include Indian tribes, Indian institutions, Indian organizations and Indian individuals. This research is necessary when there is need for documented proof of the viability of the programs presently being funded and which may be funded in the future. This would help this committee, Congress and the Office of

Education in determining who should receive funds and why there may be a need for the funds to be increased.

Under part A, the non-LEA setaside, we suggest that there be a change to what we call a sliding percentage, which would allow the eligible schools, specifically Indian controlled schools, a grant of a minimum of $200,000.

There has been a limit on this amount of money and when spread throughout the eligible number of schools, there has been a maximum of $80,000 per eligible school. If there is an increase in Indian controlled schools, and there is no proportional increase in the amount of funds available in the setaside, each Indian school may receive less.

As the funds go down, the school becomes more tenuous and less viable. Much of the time spent by Indian controlled schools and small school boards is in finding funds. The more time which is spent in finding funds by JOM, title I, title IV, and so forth and putting them together in some sort of package, the less time they have viable educational programs.

If we can obtain some stable, continuous support for these school systems, without having to go to different funds continually and not knowing up until, say the end of September, whether or not you have the funds, we might have a viable educational program going on in a more consistent way.

We feel, in the sliding percentage, that the new schools should have startup, provided in order to get them going. As they become more stable, then perhaps a reduction or a change in the amount of money in order to fully establish them could take place. This would also indicate that there would be additional funding available to them through supplemental programs. I would point out that we feel that the distinction between supplemental and basic support is not necessarily all that clear.

At the present time, supplemental funds are actually basic support funds to many schools and when a school loses title IV, part B programs, because perhaps their proposal was not written as academically correct as another grant user who has the availability of a grants writer, that will seriously affect their viability. This needs to be examined.

On adult education, we feel that part C needs to be maintained and fully funded, if possible. There will be continual problems in adult education and employment of these individuals who have had low quality education in the past. There is a need for increasing the ability of the Indian adults in obtaining proper and effective employment.

There are several recommendations at the end which I can address in the questions, if you have a question related to that. We know that earlier this morning, Dr. Gipp indicated that there is a heavy workload on the Office of Education, OIE staff, relating to the grants and we agree with that.

We also point out to the committee that in awarding the grants, past performance points are given to the grantees based upon the staff's recommendations. If the staff has not had the money or ability to go and visit the grants that have been awarded, and have not a true understanding or comprehensive view of their program, then at the end of the year, when they are competing against others, it is difficult to provide for past performance points. There can be a relationship between whether or not you get the grant, based upon those points.

We feel something needs to be done related to the stalling and how the whole administrative operation works in funding and monitoring.

One last point relates to the administration of the legislation in title IV. We feel that title IV is of utmost value to the Indian people. As such, we also believe that the administration and implementation of that legislation should match the value. Up to now, we feel that there have been a number of controversial implementation problems, particularly in the last go around on granting awards.

In order to make the process, the use of the computer, the use of field readers, and the actual granting of awards, we feel there needs to be some understandable system and explanation that will provide for an orderly, fair, just, and impartial awarding of grants and funds.

To this end, we feel that it may be necessary, in order to protect the Indian communities from administrative and implementation deadlocks and the need to institute law suits, to have inserted in the actual legislation rules and regulations which are so clear and understandable that there will be no difficulty in interpreting them and implementing the act.

To that end, if, in fact, that has to be written into the act, we would so recommend. We would also like to further take the time, at this point, to reserve the opportunity to make further recommendations as the act is actually written into specific language.

We would be willing to provide specific recommendations at a later date. At this point, I would like to thank you for the opportunity of presenting this testimony. Betty, do you have anything to add?

Ms. GRESS. I think you have covered it. I will answer any questions that may come up.

Mr. BLOUIN. Leland, before you start, I would like to publicly thank you and your staff for assistance when we were visiting St. Francis earlier this year.

STATEMENT OF LELAND BORDEAUX, SUPERINTENDENT, ST. FRANCIS SCHOOL, ST. FRANCIS, S. DAK.

Mr. BORDEAUX. My name is Leland Bordeaux, representing St. Francis. We are an original member of the Coalition of Indian Controlled Schools. Our written testimony is very brief. I would like to point out or emphasize certain parts of it.

We actually had the benefit of title IV moneys from three different sources. We participate in a direct grant from HEW. We also were able to participate in a health, education program through a title IV grant obtained by the Rosebud Sioux Tribe. Also the local Indian controlled community college had a title IV grant from which some of our staff members benefited.

I would like to point out possibly things that can be accomplished through title IV moneys. I brought with me a copy of a comprehensive K through 12, our curriculum that is culturally based and was developed specifically for St. Francis Indian School. It is quite comprehensive and I would like to point out that this was done because of the efforts of the Office of Indian Education. We, at St. Francis, would also like to speak to the fact that the list of Indian controlled schools is growing.

Because of that, we think in direct proportion to the growth, we would recommend at least a 20-percent setaside from part A of title IV for the non-LEA schools.

With that, I would like to thank you for a chance to participate in this hearing.

Mr. BLOUIN. Thank you. I noticed in your formal testimony you have requested permission to submit additional testimony at a later date. We have no objection to that and we would appreciate it.

Mr. BORDEAUX. OK. Thank you.

Mr. BLOUIN. Ms. Pam Edge, chairperson, Western Oklahoma Indian Education Coalition.

STATEMENT OF PAM EDGE, CHAIRPERSON, WESTERN OKLAHOMA INDIAN EDUCATION COALITION

Ms. EDGE. Since you have already introduced me, I am here to speak for Indian parents in western Oklahoma in our coalition. I thank you for this invitation and opportunity to be here.

The Western Oklahoma Indian Education Coalition is an organization of Indian parent committee members, parents of Indian children, staff persons employed in title IV and JOM projects, and school administrators, persons interested in Indian education in the public schools.

This coalition represents 22 public school districts in western Oklahoma which enroll approximately 5,435 Indian students. The greatest concentration is in southwest Oklahoma.

Our purposes for forming this coalition were to exchange information about title IV and JOM projects in various school districts and to share ideas and discuss the issues of problem areas. We also wanted to share concern regarding future funding and to make school districts more aware of the Indian Education Act, to provide unification of parent committees for greater strength in policymaking, to serve as an informational source regarding title IV and to provide technical assistance to local Indian communities and to strengthen the communications between the Indian communities and encourage student involvement in Indian education.

We also wish to stress the importance of parental involvement in Indian education and to encourage the importance of positive communications between parents, students, school personnel, and the administrators, and to provide an opportunity for ACTION. We also wish to provide a forum for unified action to discuss problems in Indian education and to generate an interest of special educational needs and problems of Indian students enrolled in public schools in western Oklahoma.

We, as concerned parents of Indian students and members of the coalition, wish to make our voices heard concerning our support of the reauthorization of Public Law 92-318, the Indian Education Act of 1972.

With the implementation of title IV, both reservation and off-reservation Indian children and adults have been provided with educational opportunities previously denied them.

For the first time, we, as parents of Indian students, have been provided with the opportunity to determine the special educational needs of our children and to monitor and evaluate the projects which we feel best meet most of these special needs.

Therefore, we strongly urge Congress to reaffirm the commitment of title IV funds to American Indians for the purpose of meeting the special educational needs of American Indian students based upon the special relationship which exists between American Indian people and the Federal Government.

However, we feel that changes in the law should be made that would enhance the quality of Indian education and parental participation. Therefore, we support the following recommendations regarding legislative amendments to the Indian Education Act.

I would like to talk about these, since we have been meeting since May to discuss different recommendations.

The first is Indian heads of households who are caring for Indian children be allowed to serve on parent committees. We see this over and over in our part of the state and all over in Oklahoma.

It says the term "parent" or you must be a legal guardian and yet there are millions of grandparents and single sources who are legal guardians of students and they are not allowed to serve on parent committees.

We feel that wording should be changed. The next recommendation is that parent committees be required to develop, adopt, and abide by by-laws. We feel this is very important. Most of our coalition schools have encouraged these people to do that. If they need help, we provide examples of constitutional by-laws. This would be calling for the number of meetings that would be held during the year and this would help to insure that parents are always involved in the project.

The next recommendation is that if prime-sponsor school districts have letters of agreements from adjacent school districts, they may count Indian students in these districts and in turn, provide direct services to those entitled students.

This consortium type of grant, we would definitely support. One of our coalition schools has an Indian enrollment of 19. What can you do with $1,650? It is very difficult to design some type of program. If there are other schools who are situated close to this one and if they make a consortium type grant, they could probably come up with a more effective program.

The next recommendation is that the parent committee have the power of consent in all phases of title IV personnel action. We feel this is very important.

The parent committee, of which I am a member, and I have been a member of a parent committee for 4 years, we do everything from calling our public hearings to writing our own proposals, so we are very involved. Yet this does not always happen.

The fifth recommendation we definitely support is that a new subpart be added to provide technical assistance. I also note in here that we have 197 projects funded in Oklahoma and we have had 64 disapprovals. There is a great need for technical assistance.

This is not only parent committees who need technical assistance but also the administrators.

The last recommendation is that a larger fiscal commitment be made to title IV, the Indian Education Act. It all goes back to money.

We also recommend that Indian preference be implemented as an administrative policy within the Office of Indian Education. These are the only recommendations. I really feel we should have dealt with more issues but these are the only ones that I have direction for from my coalition.

Mr. BLOUIN. Thank you. Also in the audience today, we would like to have join us at the table Celia Thomas with the Cooperative Indian Education Program, who works closely with the title IV Indian Education Committees from the northwest. Celia, maybe you have some comments you would like to make before we go into questions?

STATEMENT OF CELIA THOMAS, COORDINATOR OF INDIAN EDUCATION, EDUCATIONAL SERVICE DISTRICT 121, STATE OF WASHINGTON

Ms. THOMAS. I want to thank you for letting me testify. I'm Celia Thomas, coordinator of Indian education from the Educational Service District 121, State of Washington. I have a cooperative educational program with 8 small districts and we have 608 students who represent 52 different tribes.

It is a parity program and I have turned in some testimony, so I will just be brief and address some of the concerns we have.

We feel that the rate of funding is lacking for us to continue providing a program of the quality that we want to give to the students. Every year we don't know what number we are dealing with, the amounts we are dealing with; it is absolutely impossible to try to develop a program that is adequate.

The second concern we have is for the technical assistance. We are also a member of the Coalition of Indian Controlled School Boards. We received our technical assistance from them and it was a very professional level. If we had problems, we could call them.

Since then, we have been consolidated and we have received technical assistance from another organization. I do not feel it is adequate and we have had to go into our funding to take out money for evaluation. We have hired a third-party evaluator to develop a management program for our co-op and to make sure that we are reaching our goals and objectives.

I would like to see some sort of option made in title IV that, if in fact, you do not want to receive the technical assistance from the people in our region, that we can, in turn, use a third-party evaluation.

The third area is parent involvement. We have a 170 mile region. We have local committees, Indian parent committees in each of our districts which elect two people to sit on our 18 member board. At this time, there are really no provisions for reimbursing these people to travel. You have to realize, coming that great distance, and being poor, as we all are, it is very hard to get the kind of parent involvement we would like to have. I would like to see an amendment going so that the rules and regulations are revised to allow us to help them with their mileage.

The fourth concern I have is that education is going to be taken out of title IV and it is going to become a culture project. We desperately need to educate the Indian students we have in school.

Of the kids who graduated this time, 85 percent of them are going on to college. We do this by hiring certified teachers to tutor and I have a very great concern that title IV monies are going to be earmarked and pushed into culture projects only. I see this happening in the northwest and I am concerned. I want the provision for education to remain with that option available for the parent committee.

Do you have any questions?

Mr. BLOUIN. Thank you. We have one other person, Mary Hofbauer, from the Minnesota Chippewa Tribe, who has testimony. Mary, if you would like to come up to the table, if you woul like to summarize your thoughts. If you need this to do that, feel free to take it back.

STATEMENT OF MARY HOFBAUER, MINNESOTA CHIPPEWA TRIBE

Ms. HOFBAUER. I didn't really expect to be called up here today. I guess just on behalf of the Minnestota Chippewa Tribe, we would like to thank you for inviting us to the table to provide testimony.

I will not go through the testimony. I will just highlight a couple of things that I think are extremely important.

One of the questions I have heard you ask quite a few times concerns technical assistance being provided to parent committees, whether it is important and whether it is effective.

The Minnesota Chippewa Tribe operates a parent committee training project and we work with 61 title IV projects in the State of Minnesota and with all of the Johnson-O'Malley projects in the State of Minnesota.

Our big emphasis this last year has been to get every one of those projects to conduct a documented needs assessment because we understand the Office of Indian Education and Congress are looking for statistics to find out whether there really is need in Indian communities for these programs and whether Indian students are benefiting from the programs.

Every single one of the 61 title IV projects in the State of Minnesota and all of the Johnson-O'Malley programs conduct documented needs assessments. These are not done by our parent committee training project or technical assistance project. We do not go out into the community and conduct their needs assessment for them. We do not go out into the community and evaluate their programs.

What we do is go out and meet with parents in the community, with school district representatives and students and train them how to do their own needs assessments, why they should do a needs assessment, what they should expect to get from a needs assessment after it is completed.

They do the whole thing, they develop the needs assessments instruments, they do the interviews, the tallying, they put together the results and then they make their decisions on what they want to spend their program funds.

We believe it is important for them to have the documentation. It shows the school districts and, in many cases, I feel that Indian communities are doing more research in documenting their needs and evaluating their programs better than school districts.

I think that Indian communities and Indian parents are being asked to do a lot of things that other people in the community do not do. If we want to have programs for our Indian students, we have to go to the school district, put the money in our pockets; if we want to have culture classes in the schools, if we want to have any kind of program in the schools, we have to come to the district with money in our pockets.

I feel that Indian communities are justifying the need for the programs and they are evaluating the programs. We will be able to provide the documentation necessary to the Office of Indian Education and to Members of Congress to show that the programs are having positive effects.

However, even though I believe that title IV projects have had positive effects in the years they have been in operation, I think that title IV needs to be reauthorized. You cannot expect to cure the effects of 100 years of neglect or mistreatment in the educational system by funding education programs for 5 years.

Also, I believe it has been mentioned before that there has to be a better mechanism for notifying Indian communities of projects that are funded or not funded. In our case, we were notified September 29. That project was funded and it was supposed to start September 1, so it had people on pins and needles.

Many communities have lost valuable staff because they just cannot sit around and wait to find out if they are going to have a job for the coming year. If another job becomes available, they go out and apply for it.

I guess, basically, the Minnesota Chippewa Tribe supports a reauthorization of title IV, emphasizes the fact that local Indian parents must have control of those programs, wants to see that control strengthened and would like to have Indian parents have more control over hiring people in the districts.

They also have some specific recommendations about parts A, B, and C, but those are contained in the written testimony and I will not go through all of those right now.

Another concern is that we get reports that Congress is concerned about duplication of effort between title IV and Johnson-O'Malley programs. I have included a few figures from the State of Minnesota.

The number of Indian students counted as being eligible for title IV programs in the State of Minnesota is 12,977. Out of those, only 4,134 students are eligible for Johnson-O'Malley program services.

If there were no title IV services available, there would be 7,146 Indian students in the State of Minnesota who would not receive services of any kind. In an effort to avoid duplication of services in the areas where there are both title IV and JOM committees, sometimes they meet at the same time. All of the committees have at least one member on both committees.

Also in the Minnesota Chippewa Tribes, funds for our Johnson-O'Malley programs, which we fund 28 out of the 33 Johnson-O'Malley programs that operate in the State of Minnesota, we have available for the readers, the title IV projects that are funded in those districts so that they can make comparisons between the projects they are asking to be funded under Johnson-O'Malley and the projects already funded under title IV. We really make an effort to get the most out of the money available, both from Johnson-O'Malley programing and title IV.

That is about all that I have.

Mr. **Blouin.** All right. Thank you. Let me ask a couple of general questions. Maybe all of you can respond. Do you think local parent committees should be given authority to bypass local schools when that school won't apply for grants or what have you? Do you think they should be given the authority, in other words, to apply directly? We can go left to right.

Ms. **Gress.** I think that they should be given that option if they cannot work out the situation and they have tried; rather than see the students lose the program, I think they should be allowed to go outside to either the parent committee or a group within the community that could operate the program effectively.

Mr. **Blouin.** Would you say that, even in the case where the school board is Indian controlled?

Ms. **Gress.** That would be another situation.

Mr. **Blouin.** It would be highly unlikely that you would have a reluctant school board that was——

Ms. **Gress.** I can think of no example of that type of situation that has come about since title IV has been implemented, to my knowledge, at any rate.

Mr. **Blouin.** Leland?

Mr. **Bordeaux.** We are in a different situation. Our whole concept is Indian input insofar as an Indian controlled school so we have no problems working with an advisory board. In fact, we are able to utilize our school board as an advisory board since they are all parents and they are all Indian people.

As far as school districts are concerned, yes, I kind of agree that they should have that option. The advisory board should have that option to be able to apply for a program. I think the program might be limited because of maybe no cooperation with the district but they should still have that option.

Mr. **Blouin.** I guess the implementation would be the hardest aspect. If the school doesn't want to implement it, I don't know you would force them to do so.

Ms. **Edge.** Are you asking the coalition's opinion or my own personal opinion?

Mr. **Blouin.** If they differ, give me both of them, but you had better label them.

Ms. **Edge.** The coalition supports a consortium and this would work if you had a school district that wouldn't signoff on it; a nearby school who was willing to apply, they would have to work it out between them to use this school's Indian count and get funded for them, and provide the services. We do support that.

However, I have seen, in JOM, where the school didn't want to mess with any kind of Federal program dealing with the Indian education, the parent committee has incorporated and they are contracting with the Bureau, so it has worked. But you also have to think about whether this would be abused. If you don't get along with the administration, they might say, the hell with you, we will incorporate the plan on my own.

Personally, I have seen it work but I think the consortium type grant is an alternative.

Mr. Blouin. Celia?

Ms. Thomas. Yes. Many school board superintendents are threatened by Indian parents. They have made statements to me like, they don't want a bunch of Indians telling them how to run their school district.

I had an incident last year where I sent out the census forms and they came back with nine completed. It is a large district of Indian children. That program was denied because of the superintendent, so I feel definitely that parents or another group should be able to.

Mr. Blouin. Mary?

Ms. Hofbauer. That is included in our written testimony. The tribe is in favor of putting in some mechanism in the regulations allowing Indian parent committees to become incorporated and apply for the part A funds when the school district does not want to.

I think, while we have worked with that on the Johnson-O'Malley program, and even when the district refuses to apply for the Johnson-O'Malley funds, and the parent committee incorporates, the district usually allows them into the school to run the program, but part of the time, the district does not want to accept the fiscal responsibility for the program. They do not want to bother with all of the paperwork. They have heard there is a lot of paperwork involved in title IV and all of that. In most cases, they do allow the program to come in.

They give them space in the school; they don't usually have that much trouble actually getting the program into the school but it is getting the districts to accept the fiscal responsibilities. The tribe does believe there ought to be a mechanism for parents to apply.

Mr. Blouin. Leland, you recommended, if I remember, that the setaside for contract schools be increased. Would you prefer a separate part in title IV for funding of contract schools as opposed to cutting into the funding that is there and set up your own funding? Would that be a better way of going at it? That is off the top of my head.

Mr. Bordeaux. If we recommend a 20-percent setaside, that should encourage the public school to come in and ask more for part A.

[Laughter.]

Mr. Bordeaux. No. I have never thought of your question really as a separate——

Mr. Blouin. I say it off the top of my head. The only reason I thought of it at all was you would probably, I assume, run into automatic opposition from the public school applicants, saying that you are cutting into their share of the pie, whereas if it were a separate part, with the funding exclusively for contract schools, you wouldn't have to be competing as directly. You would still be competing with dollars.

Mr. Bordeaux. As the testimony states, this was recommended because of the proportionate increase of contract schools and other Indian controlled schools. Off the top of my head, yes, I think that I could answer that would be certainly agreeable, to have a separate part for Indian controlled schools.

Again, though, if there is not a proportionate increase in the budget, you are still cutting into someone's program.

Mr. Blouin. That's right. How about other comments on that?

Mr. Dupris. A comment would be that part A, if we take a greater percentage of part A for Indian controlled schools or Indian schools, that would indeed cut into the amount of money available for other public schools, if the funds remain stable or at a level point. However, public schools have the ability to put political pressure on to keep a level which is adequate for their needs and forget 20 percent of what is adequate for their needs politically.

Mr. Blouin. So leveragewise, you are better off keeping it in the same title?

Mr. Dupris. Yes. If you separate it out and there is not a favorable attitude in Congress and Appropriations for Indian controlled schools, and special provisions allowing for a long term increase for those funds, because we are increasing in the number of Indian controlled schools. Politically, it is not wise, just off the top of my head.

Mr. Blouin. Anyone else? Mary?

Ms. Hofbauer. I don't know about the question whether there should be a greater percentage for Indian controlled schools, but I do think there has to be more money available, because I know just working with the Indian communities in Minnesota, there are at least two or three more considering going to Indian controlled schools. They have just had it and are tired of battling with the public school system to get the kinds of programs they want.

They are going back and saying, no, we will go by ourselves again. Title IV is going to be asked to provide additional money for that, so I think there has to be an increase. I don't know whether the answer is to increase the percentage or what because it will take money out of title IV, part A, if that does not also increase. There definitely has to be more money.

Ms. Edge. I am aware of only one non-LEA school in Oklahoma. This is a school in Hammond. They have been in existence for 3 or 4 years. They were not funded this year so I do not know what will happen to them or the children they are educating. Definitely it is more money.

Mr. Blouin. Can we get to the definition of Indian as far as Title IV programs are concerned? Maybe you don't want to, but I would like to get your opinion of how to define Indian.

Mr. Dupris. That is the question we will present to the coalition members in their annual meeting in December. It is a definite issue that needs to be resolved by our membership so that we can take a united stand on that. We will present that to the committee when they make their resolution.

Mr. Blouin. Can you give me an ununited stand, for a moment? Are you satisfied with the definition?

Mr. Dupris. I suppose there are some flaws in the procedures in which you identify Indians under title IV. There could be pumping up of the numbers. In a way that is a problem, because of non-Indians being served with Indian funds. In a way, it's not because you can get more money for Indian students in an area where they would not be able to have as much. The problem is mainly with the flexibility at the local level as to determining who is and who is not. It is a very difficult question.

Mr. BLOUIN. How can you get more money for Indian students programs when it might be going to serve the population in a given area that is not Indian or that is padded?

Mr. DUPRIS. Within a local area, let's say you have 100 Indian students actually but they count 150, well, more money goes to them and for those 100 students, in the overall type of program that is available to them.

Mr. BLOUIN. But you are servicing all 150 in terms of the program, so one-third of it is going to non-Indians and it would have an effect necessarily when you start dividing that pie and the amount of money available to other Indian programs around the country, would it not?

Mr. DUPRIS. It is the threading of a needle in that those 100 students will get a better quality program, perhaps, than some other people who will be denied. It's taking away from other people, yes. The object is to get the most accurate count.

Mr. BLOUIN. How many members did you say you have in your coalition?

Mr. DUPRIS. About 160 member schools and parent committees would be involved in that.

Mr. BLOUIN. Those are board controlled?

Mr. DUPRIS. There are some 30 States involved——

Mr. BLOUIN. Do all of them have a contract for title IV funds in part A?

Mr. DUPRIS. No. Most of them but I do not think every single one.

Mr. BLOUIN. Have they all applied?

Mr. DUPRIS. Yes.

Ms. GRESS. Some of them have been denied. We have 40 schools who are members who are Indian controlled schools, the ones that either have a contract or private funding and that is discretionary money. Those come out of non-LEAs and many of them have been denied, like Ms. Edge brought out, Hammond. This year, Hammond did not receive funding for their title IV program and it is cutting into their program. They may even have to shut down parts of their school because of that.

Mr. BLOUIN. Leland, do you have a comment on the definition of Indian?

Mr. BORDEAUX. No. I cannot really answer that. I am sort of reservation oriented and there are no problems in defining an Indian there. [Laughter.]

Mr. BORDEAUX. But I realize there are problems——

Mr. BLOUIN. What do you think of the suggestion earlier today about having some kind of a tie to the tribal governments to determine the eligibility?

Mr. BORDEAUX. I think it is an ideal situation but I don't know what it would take. I think the implementation is almost impossible.

Mr. BLOUIN. Especially when you try to draw the connection back from an LEA in Chicago to a reservation. I suppose it would get to be an impossible thing.

Ms. EDGE. We did not deal with the definition of an Indian, the coalition did not, because we have some students in our area who are for example, while I am half Kiowa, but I am also Pawnee, Cheyenne, and Arapaho, married to a Caddo.

Mr. BLOUIN. I think you qualify.

[Laughter.]

Ms. EDGE. But the point I'm making is that my children are Kiowa, Pawnee, Shawnee, Arapaho, and Caddo and while they are all Indian—well, my children are all right, but unless they marry another Kiowa, their children will not be on any roll, so they will not be recognized as an Indian. You could be all Indian and still not be recognized as an Indian.

Mr. BLOUIN. If it's that easy to lose recognition, how do they come up with 350,000 public school attendees?

Ms. EDGE. I really don't know. This is something really crazy. In our public schools, our title IV enrollment is 800 but we have 832 JOM Indians and those are certified one-fourth or more, but that was our own problem; it was in getting back forms, the Indian certification forms.

We sent out our JOM and title IV and 874 forms at one time, which was a mistake, so we have probably more than 1,000 Indians in our school, but we are only funded for 800 of them.

Mr. BLOUIN. I think your answer is the definition needs clarification.

Ms. EDGE. Well, if you leave it up to the tribe, some of them have one-fourth or one-half.

Mr. BLOUIN. How about if you leave it up to the parent committee?

Ms. EDGE. We do go through the forms and check to see. This is one question to ask.

Mr. KHAN. We have rejected certain people who have listed themselves as Indians and we use the archives and contact the office their parent or grandparent was supposedly enrolled in, so we have rejected people who claimed to be Indians.

Mr. BORDEAUX. There are other problems involved too. Going back to the days when it was fashionable to relocate Indians into larger cities, at the same time, certain tribes had rules and regulations which barred the children that were born off reservations to be admitted to the rolls.

Mr. BLOUIN. Wow.

Ms. HOFBAUER. Considering things like the Minnesota Chippewa Tribe, a lot of people who are on the rolls are not eligible for services. In order to be eligible for services under most tribal programs, you have to be at least one-quarter or more.

Mr. BLOUIN. Isn't this all silly? Should there not be one definition no matter what the program is. You should be able to identify people in terms of their origin, somehow.

Ms. EDGE. If you could be allowed to—you may not be enrolled but one-eighth of one tribe and one-eighth of another—combine all of those.

Ms. GRESS. Some tribes do combine those, if it makes a quarter, if you are an Indian from another tribe.

Ms. HOFBAUER. In some areas, you have to be a half to be enrolled and if you are less than one-half, you cannot be enrolled there. You may be less than a quarter of something else, you can be enrolled there, so the tribe uses their own discretion; if someone is at least a quarter of anything combined and can document it, they will find scholarships and services. It is not fair to a lot of people that can't get enrolled.

The tribe is also not taking any official position on the definition.

Mr. BLOUIN. Celia, do you have any?

Ms. THOMAS. I am comfortable with the definition the way it is being interpreted by my office. We require the forms to come in, we go over them, we have Canadian Indians, all different kinds of people, 52 different tribes, but we do review the forms and we know the kids and the families.

Mr. BLOUIN. When do you decide that a student is not an Indian?

Ms. THOMAS. If the parent sends back a form and we talk to them and they say they are, it's hard to call them a liar. We have adopted children, foster children. The State Department just will not give you any data. You can look at the kids and tell they are Indian, so we have a lot of things in urban areas with which we deal.

This is what the tribes don't realize, that we are picking up their Indians, urban Indians that are adopted, in foster care, and servicing them and giving them an identification. I'm comfortable with it but if you want to change it, you guys write the rules and regulations.

Mr. BLOUIN. We don't want to. [Laughter.]

Ms. THOMAS. It's your fault.

Mr. BLOUIN. We can take the blame for a lot of things but rules and regulations, we don't try it. [Laughter.]

Ms. HOFBAUER. One thing that bothers me, I guess just personally, about the definition is what I see happening in districts that have both Johnson-O'Malley funding and title IV funding. We do it ourselves. We identify kids as either JOM kids or title IV kids and they pick up the identification themselves.

Mr. BLOUIN. That is where the absurdity of this comes in.

Ms. HOFBAUER. Sometimes it is negative. If you are a title IV kid, sometimes it is less——

Mr. BLOUIN. The purpose is to get dollars to educate Indian children, to respond to their needs for any specific connection for a specific Federal commitment. It seems to me that definition should be uniform across the board. Is that possible?

Ms. EDGE. Not unless JOM would like to drop their blood quantum requirement.

Mr. BLOUIN. You think JOM is the problem?

Ms. THOMAS. And the board would have to drop theirs also.

Mr. BLOUIN. They would have to have one you could understand before you could drop it.

Ms. THOMAS. It is not only the census form, when you have a JOM program and title IV program, you have to have two distinct programs that do not interact and this is really a problem.

Mr. BLOUIN. Staff on both sides is telling me that OE's definition varies for every program that they have, nearly.

Ms. THOMAS. We know what we are.

Mr. BLOUIN. It changes with every program. I wonder if there is any direct relationship between that and the amount of money there and the applicants?

[No response.]

Mr. BLOUIN. Does OE want to defend themselves?

VOICE [Gwen]. In OIE, there is not a distinction. The others were set by other OE offices, not ours.

Mr. EMANUEL. Mr. Chairman, one of the best parts, I think, about the present definition is it does cover situations such as Pam mentioned, because it is by the descent rather than by blood quantum, so it does get away from some of those problems.

It does not, however, cover problems raised by who should receive service. I think that is the question that should be asked because we are talking about Federal dollars going for service and defining an individual as to their descent or tribal relationship goes to a much broader question than whether they should be receiving service from the Office of Education or the Office of Indian Education.

Mr. BLOUIN. I'm not sure I understand the difference.

Mr. EMANUEL. One of the things we were discussing when we were deciding how to do the form for 506, was should the parent committee have authority to reject those forms? When you have upwards of 80 tribes in a particular school district, it seemed to us, there could be problems with factionalism or problems along those lines, if they have the authority to reject those children.

However, there have been challenges when parents have applied and said, for instance, in one district, we had somebody sign a form who said their child was a black Indian so that was challenged by the parent committee and they were rejected.

The reason they were rejected was basically because the community did not recognize their children being part of Indian education and involved with the Indian community in that area. There have been some rejections along those kinds of lines. I don't really have any other comments.

Mr. BLOUIN. OK. Does staff have any questions?

Ms. WYSONG. No.

Mr. FORKENBROCK. This has to do with the special educational needs concept, title IV, part A, Special Educational Needs, on one of the criticisms that came out of the GAO audit of title IV, part A, was that there is no real assurance that the allotment concept or the entitlement concept, based upon an Indian count, is in itself not an assurance that the special educational needs of Indians are being met adequately.

In view of that criticism, and you might answer whether or not you thought that is true, that simply because you have an Indian, that he in turn has an educational need? Are they synonymous?

Ms. HOFBAUER. Could I answer that first? I was at a meeting last December where they were trying to come up with a definition of the special educational needs of Indian students. The problem I have with it is that I guess under the regulations now, Indian communities have a lot of flexibility concerning the types of programs they want to initiate under title IV, part A.

There has been some discussion of limiting the types of programs to cultural programs, getting out of the tutoring type of programs, or whatever. I would not like to see that happen where the regulations would come out and really limit Indian communities to the type of programs they can operate.

I think if the community does an educational needs assessment, and comes up with what they feel are the priorities, then they ought to be able to spend the money that way and not have to spend it for a cultural type of program, if they have a greater need in tutoring than can be met by any other program.

Also, I will agree there are probably many students in districts who do not have a need simply because they are an Indian student. There are a lot of programs operating that are programs that have maybe three or four different components. If they have 100 students, not every one of those 100 students will take part in each of the four components. They will be involved in the one for which they have the most need or the one they are most attracted to.

If you have a tutoring component, maybe only 30 out of those 100 students have a need for that, but the other 70 students may have a need for a stronger cultural component.

[Additional testimony with attachments submitted for inclusion in the record follow:]

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SELF-DETERMINATION

Mary P. Hofbauer
Parent Committee Training Project
The Minnesota Chippewa Tribe
P.O. Box 217
Cass Lake, MN 56633

On behalf of the Minnesota Chippewa Tribe, the following testimony concerning Public Law 92-318, the Indian Education Act (Title IV) is respectfully submitted:

The Minnesota Chippewa Tribe is organized to provide services to its six member reservations; to eligible members of the Tribe and its various bands; and to other Indian people as directed by certain contracts and grants. The main office of the Minnesota Chippewa Tribe is located on the Leech Lake Reservation in Cass Lake, Minnesota and serves the Bois Forte, Grand Portage, Fond du Lac, Leech Lake, Mille Lacs, and White Earth Reservations with a combined tribal enrollment of approximately 34,000. The Tribe is governed by the Tribal Executive Committee (TEC) composed of the elected Chairman and Secretary/Treasurer of each of the six Reservation Business Committees (RBC). The Reservation Business Committees operate programs and provide services on individual reservations and operate as "states" do but are subject to the powers and responsibilities held by the Tribal Executive Committee.

The Minnesota Chippewa Tribe contracts for and administers most of the programs previously handled by the Bureau of Indian Affairs. Currently, 27 programs are administered by the Tribe including nine education programs and others in the areas of health, housing, social services, business and economic development, job training programs and others. A brochure explaining the education services available through the Tribe is attached for review. As indicated therein, programs are presented to the Tribal Education Sub-committee for its review and recommendation before final presentation to the policy making Tribal Executive Committee. Responsibilities of the Education Committee include establishing policies, guidelines and program priorities; reviewing and evaluating all Education Division operations; making recommendations for hiring staff; serving as liaison between the Education Division and the population served; and reviewing and making recommendations on all grants and contracts.

The Minnesota Chippewa Tribe presently receives funds under Public Law 92-318, Indian Education to operate two projects; (1) a Curriculum Development Project and (2) a Parent Committee Training Project. The Curriculum Development Project is developing curriculum units in specific pilot project areas on the six reservations. The Parent Committee Training Project provides technical assistance and training to all Title IV and Johnson O'Malley Programs operating in the State of Minnesota and is not limited to working only on reservations. In the last year from September 1976 through June 1977, the Training Project provided training or technical assistance to parent committees at 225 meetings. This demonstrates the important that Indian parents and communities attach to learning more about education programs and becoming more involved.

There are 61 public schools in Minnesota receiving Title IV, Part A funds, 33 public schools receiving Johnson O'Malley funds for education purposes; and several projects receiving funds under Title IV, Part A, Non-LEA, Title IV, Part B and Title IV, Part C. Each of the funded projects has a parent advisory group and many of the recommendations and comments included in this testimony reflect their opinions. The purpose of explaining the services population of the Minnesota Chippewa Tribe is to demonstrate that its staff is in communication with many people involved and interested in Indian Education and has a good base for making recommendations concerning Title IV, Indian Education Act.

The Minnesota Chippewa Tribe firmly believes that in order for Indian tribes, communities and students to continue making advances in educational development and achievement as in the past few years, the funds for education programs serving American Indians must continue to be available. It is not possible to correct the affects of 100 years of neglect and mistreatment in the education system by funding programs like The Indian Education Act for five years. The programs are improving educational opportunities for Indian people, the drop-out rate is declining; and more students are attending colleges, vocational or other training schools but the unpleasant truth still shows that the drop-out rate of Indian students is still far above the national average; Indian students and others are still subjected to inaccurate curriculum materials about Indians; there are few Indian staff members employed in schools; and many, many Indian students are unhappy, uninterested or uncomfortable in school.

We hear reports that some congressional representatives are concerned that Indian Education Programs, specifically Title IV and JOM are duplicating services. In an attempt to change such opinions, specific information is given here using Minnesota as an example.

A.	The number of school districts in Minnesota eligible to receive funds from Title IV, Part A in 1976-77.	124
B.	The number of school districts in Minnesota that apply for and received Title IV, Part A funds in 1976-77	61
C.	The number of Indian students in Minnesota school districts eligible for Title IV, Part A funds in 1976-77	12,537
D.	The number of Indian students in Minnesota public that applied for and received Title IV, Part A funds in 1976-77	11,280
E.	The number of Indian students in Minnesota school districts that did not apply for Title IV, Part A funds in 1976-77	1,257
F.	The number of Indian students in Minnesota school districts with less than nine (9) Indian students and not eligible to apply for Title IV, Part A funds	440
	TOTAL NUMBER OF INDIAN STUDENTS COUNTED IN MINNESOTA PUBLIC SCHOOLS IN 1976-77	12,977
G.	The number of Indian students in Minnesota school districts receiving Johnson O'Malley Program funds in 1976-77	4,134
* H.	This is the number of Indian students attending Minnesota public schools who would not have received services if Title IV funds under Public Law 92-318 were not available (Item D minus item G)	7,146

As you can readily see, there would have been many Indian students in the State of Minnesota who would not have been able to receive services if the Title IV program did not exist.

In an attempt to provide better services, all of the Johnson O'malley and Title IV programs in the state of Minnesota have conducted documented needs assessments by using a random sample survey method. The parents of Indian students and the students in some cases are training in the technical aspects of conducting the needs assessment and actually complete the process themselves rather than hiring consultants to do the work. The needs assessments also involve looking at students academic records, attendance records, participation in extra curricular activities, socio-economic factors, and drop-out statistics. The needs assessments serve as guides for developing programs, explaining to community members why money is being spent in certain areas, and as documentation for the Bureau of Indian Affairs and Office of Indian Education to show that the needs do exist.

At mid-year and the end of the year, all projects conduct evaluations to determine whether project objectives are being met, whether project activities should be changed throughout the year, to serve as a report for community members concerning the project activities, and to provide documentation for the Bureau of Indian Affairs and Office of Indian Education concerning programs successes and problems.

At this point, it seems like that Indian community is doing more than many public school districts to accurately determine need areas and to evaluate programs in operation to see if the needs are being met. During the process, the Indian community, parents and staff as well as students learn new information and become more involved in the education field.

Also, in order to avoid duplication of services by Johnson O'Malley and Title IV Programs, many of the programs have at least one member who sits on both committees in a community and provides for coordination between programs. The major point that should be made, however, is that many communities that do receive funds from both sources still do not have enough program funds to adequately meet the needs of kids as determined by the needs assessment. Through the Minnesota Chippewa Tribe, 28 Johnson O'Malley programs are funded. To prevent duplication of dunds, copies of both the funded Title IV proposals and the proposed Johnson O'Malley programs are available for the readers to review. As you can see, the Minnesota Chippewa Tribe has made a very concentrated effort to get the most results from the money available, to provide training and technical assistance to Indian education programs in Minnesota, to provide documentation of need, to provide a mechanism for evaluating programs and overall, to try and provide opportunities for communities to have quality education programs for Indian students.

Now that some background information has been provided about operation of education programs by the Minnesota Chippewa Tribe, the following recommendations are offered:

1. Recommendation - Supplemental Appropriation

A supplemental appropriation should be enacted for Title IV Parts B and C for the current operating y-ar. According to the latest information we were able to get, a total of 69 Part B projects were funded this year compared to 109 Part B projects funded last year. A total of 363 applications were received requesting Title IV, Part B funding (this does not include the requests received for teacher training programs or student fellowships). The small number of funded projects hardly seems adequate to meet the needs of Indian communities all across the country. Concerning Title IV, Part C (Indian Adult Education) this year 155 proposals were received and 53 funded compared to approximately 120 received last year and 61 funded.

2. Recommendation - Reauthorization of Public Law 92-318

The Minnesota Chippewa Tribe favors the reauthorization of Public Law 92-318, the Indian Education Act. While progress has been made in the area of education for Indian students and adults in recent years, we feel the funds must continue to be available to allow growth and development of programs to continue to meet established needs.

Under Title IV, Parts B and C regulations, priority is given to applications submitted by Indian tribes, organizations, and institutions. This is one of the most important pieces of legislation enacted for funding Indian education programs. Indian communities need to have continuity in programs and services and be assured of the availability of funds from year to year.

Also, in connection with the reauthorization of Public Law 92-318, we urge Congress to fund the Act at a level necessary to meet the educational needs of Indian students and adults.

3. Recommendation - Publication of Regulations

In the past years, there have been many problems because of late publication of rules and regulations for Title IV programs and many problems due to the reading process followed by the Office of Indian Education to read, rate and recommend projects for funding. The Minnesota Chippewa Tribe recommends that due dates be set for approximately the same time each year so Indian communities can have adequate time to prepare proposals and be notified of funding status well before beginning dates of the proposed contracts. It is not fair to applicants to receive notification of funded or not funded projects only a few days before projects are schedule to begin, or in some cases, after the scheduled date for contracts to begin. Many projects have lost experienced staff members and had to put up with delays in starting projects due to problems the Office of Indian Education was having completing the reading, rating, and notification process for grants.

4. Recommendations - Title IV, Part A

A. The regulations should provide a mechanism for Indian communities to apply for Part A entitlement funds when the local educational agency refuses to apply for the funds to provide programs for Indian students.

B. Increase the percent of set-aside funds for nonlocal education agencies (Title IV, Part A-Non LEA) which operate elementary or secondary schools located on or near reservations. The present set-aside is 10% of the funds allocated for Part A and is not adequate to fund the number of projects that have been applying for funds. Also, define on-or-near reservations for the purpose of funding non-LEA's.

C. The regulations should more clearly define the rights and responsibilities of elected parent committees.

D. Fund Title IV, Part A at a level consistent with the need for programs for Indian students attending public schools.

5. Recommendations - Title IV, Part B

The amount of money available to fund projects should be increased. The reduction in funds available for Indian tribes, organizations, institutions and graduate students has caused much unrest with the communities and makes it difficult to plan and develop programs. Also, the decrease in funds and programs funded has contributed to greater competition between reservation and urban organizations for the limited amount of funds available. In order to enable Indian communities to continue experiencing success in the area of education, we support and increased appropriation for Part B.

6. Recommendations - Title IV, Part C

The Minnesota Chippewa Tribe supports a **request** for increased appropriation for Part C which funds Indian Adult Education projects. The funds available under this section have never been adequate. The drop-out rate for Indians has always been very high and many adult Indians look to education programs operated in their communities to provide the education and training they missed in earlier years. Although there are other agencies that operated adult education programs, many of them do not reach Indian adults living on reservations so it is important that this source of funding continues. We urge you to approve funds for education programs planned by and for Indian adults.

A resolution is attached which was passed by the Minnesota Chippewa Tribe, Tribal Executive Committee on September 8, 1977 in support of a supplemental appropriation for Title IV, Parts B and C for this year, and supports reauthorization of Public Law 92-318, the Indian Education Act. Also attached is a resolution which was presented to the NCAI (National Congress of American Indians) Resolution Committee at the recent convention in Dallas, Texas and incorporated with its recommendations.

Thank you for allowing the Minnesota Chippewa Tribe to submit the above testimony concerning Public Law 92-318, The Indian Education Act.

Megwetch.

RESOLUTION NO. 237-77

WHEREAS, public Law 92-318, the Indian Education Act-Title IV was passed by the U.S. Congress in June of 1972, and

WHEREAS, the Indian Education Act authorizes the Commissioner of Education to assist State education agencies, local education agencies, Federally supported elementary and secondary schools for Indian children, Indian tribes, Indian institutions and Indian organizations, insitutions of higher education and public agencies in improving educational opportunities for Indian children, and

WHEREAS, Indian tribes, Indian organizations, Indian educational agencies, and Indian institutions are eligible to apply for funds to operate programs under Parts B and C of the Indian Education Act and receive a priority rating on all applications submitted under Parts B and C, and

WHEREAS, a Supplemental Appropriation of $12.2 million was approved for Title IV-Indian Education Act of which $12 million was designated for Title IV-Part A; $200,000 was designated for Title IV Part C and no increase was allowed for Title IV-Part B, and

WHEREAS, adequate funds are not available to enable Indian tribes, organizations, educational agencies and institutions to develop, receive funding for, and implement programs to meet the educational needs of Indians,

NOW, THEREFORE BE IT RESOLVED THAT, the Minnesota Chippewa Tribe Executive Committee and education staff contact congressional representatives in Washington, D.C. and the National Advisory Council on Indian Education to urge them to develop legislation and prepare supporting evidence to request a supplemental appropriation for Title IV-Parts B and C of the Indian Education Act; to urge them to develop proposed legislation and prepare supporting evidence to re-enact the Indian Education Act which is due to expire next year; and to request a report explaining why Title IV-Part B did not receive an increase when the recent supplemental appropriation was approved.

WE, do hereby certify that, that the foregoing resolution was duly presented and acted by a vote of 9 for, and 0 against, at a special meeting of the Minnesota Chippewa Tribal Executive Committee, a quorum being present, held on September 7 & 8, 1977 at Duluth, Minnesota.

Arthur Gahbow

Arthur Gahbow, President
THE MINNESOTA CHIPPEWA TRIBE

Daniel Morrison Sr.

Daniel Morrison, Sr., Secretary
THE MINNESOTA CHIPPEWA TRIBE

The following resolution is hereby submitted by The Minnesota Chippewa Tribe for consideration by the 34th Annual Convention of the National Congress of American Indians. The following person(s) will be available at the convention to explain or defend this resolution: Richard W. Tanner and Arthur Gahbow.

- -

RESOLUTION NUMBER: NCAI-34-_____

TITLE OF RESOLUTION: To urge Congress to appropriate supplemental funds for PL 92-318 part (b) and (c) and to extend PL 92-318.

WHEREAS, Public Law 92-318, the Indian Education Act-Title IV was passed by the U.S. Congress in June of 1972; and

WHEREAS, the Indian Education Act authorizes the Commissioner of Education to assist State education agencies, local education agencies, Federally supported elementary and secondary schools for Indian children, Indian tribes, Indian institutions and Indian orgainizations, institutions of higher education and public agencies in improving educational opportunities for Indian children; and

WHEREAS, Indian tribes, Indian organizations, Indian education agencies, and Indian institutions are eligible to apply for funds to operate programs under Parts B and C of the Indian Education Act and receive a priority rating on all applications submitted under Parts B and C; and

WHEREAS, adequate funds are not available to enable Indian tribes, organizations, educational agencies and institutions to develop, receive funding for, and implement programs to meet the educational needs of Indians,

BE IT RESOLVED, that the National Congress of American Indians support the Minnesota Chippewa Tribe in requesting reports and documentation why Title IV, part (b) did not receive a supplemental as did Title IV, (a) and (c) in the recent supplemental appropriations.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians support the Minnesota Chippewa Tribe in urging Congress to develop legislation, and prepare supporting evidence to request a supplemental appropriation for PL 92-318, parts (b) and (c) for FY 78; and to urge Congress to develop legislation to extend PL 92-[illegible] which is due to expire in 1978.

Mr. **Forkenbrock**. Does anyone else have a comment on that?

Ms. **Thomas**. I agree, even though they may not need tutoring or education. I have yet to meet a student that didn't need some service throughout the school year and, if they are not serviced one way, they will be another.

I would like to see it. I have a hard time with the "special education." It kind of denotes inferiority.

Mr. **Forkenbrock**. I understand you to say that even though there could be some questions as to whether or not just because you are an Indian you may have an educational need, et cetera, to change any type of allocation base, would be more of a detriment than it would be to say let's just assume there is some correlation between being an Indian and having a need?

Ms. **Thomas**. There will be something.

Ms. **Hofbauer**. That may be the case in a lot of the districts that are eligible for funds and do not apply. The Indian community does not feel they have a need.

Mr. **Forkenbrock**. Some of the part A grants that were turned down, if I remember correctly, when OIE explained the reasons why, was that an adequate needs assessment was not developed. I could understand them not funding if they have not gone through all the processes, but if I understand you correctly, what you said just a minute ago was if a parent advisory committee has conducted a needs assessment, regardless of what that community may feel the need is, as long as they feel the need to be relevant, they ought to be funded for it. Is that correct?

Ms. **Thomas**. I feel that is true.

Mr. **Forkenbrock**. I assume you all agree on that: is that right?

[Ms. Gress, Mr. Dupris, and Mr. Bordeaux nodding affirmatively.]

Mr. **Forkenbrock**. Thank you very much, Mr. Chairman.

Mr. **Blouin**. I think that is it. Thank you all very much for coming. We are going to ask that we submit some questions to you in writing and we would appreciate your written answers as soon as you can. Thank you very much for being here.

[Whereupon, the hearing concluded at 12:10 p.m.]

[Material submitted for inclusion in the record follows:]

SPECIAL SCHOOL DISTRICT NO. 1

MINNEAPOLIS PUBLIC SCHOOLS

AN EQUAL OPPORTUNITY EMPLOYER

807 NORTHEAST BROADWAY, MINNEAPOLIS, MINNESOTA 55413

DEPARTMENT OF INDIAN EDUCATION

Telephone 612/348-6258

October 5, 1977

Mr. Chairman and members of the subcommittee,

We address you on behalf of the Minneapolis public schools (Minnesota) Indian Education Department and the Minneapolis Title IV Indian Parent Committee, Robert Roy chairman and Simon Beaulieu, vice chairman. Prior to our statement we wish to draw your attention to the fact that Title IV, the Indian Education Act is, as you know, designed to improve education for Indian children. Part A of the act asks for proposals from public schools. Imagine our chagrin then to find out that no public school people have been asked to testify. Part A of Title IV is where the largest amount of money is appropriated, and public schools educate the largest number of Indian children. Why then, gentlemen, have you not asked Indian people from the public school projects to testify on behalf of, and make suggestions to the reauthorization of this act?

Our Minneapolis Parent Committee is a very active committee. They have taken upon themselves the arduous task of learning the rules and regulations, working in partnership with the public schools and spending long, (unpaid) hours on planning for a better education for our Indian children citizens. We suggest, respectfully, that you look over your witness list, ask your witnesses for their public school experience credentials. Do they have a hands-on experience within the public schools on a daily basis in a Title IV (Part A) project? If they are lacking in this experience, gentlemen, we suggest you revise your methods of deciding on selection of witnesses for these important matters. We further suggest the Minneapolis Parent Committee (elected representatives for one of the 10 largest Title IV projects in the United States and well on the way to being judged one of the best projects in the United States) be asked to testify on the important matter of Title IV reauthorization.

We appreciate the opportunity to present our statement for your consideration. We have addressed ourselves to three important items. First we discuss what is important about Title IV; second we make recommendations for change in the Title IV Act and third we discuss Title IV accomplishments. Our remarks are prefaced by a short introduction to our project.

Preface:

Our Indian children in the Minneapolis public schools number 2900 with 24 tribal affiliations. The largest group is the Chippewa. We have 1,195 Indian families in our district. Our children attend 87 different schools. The numbers fall fairly evenly between elementary and secondary schools. Each year our program takes a needs assessment survey among the Indian population. The program is based on the needs assessment. We have a staff of 50 full-time persons, and 2 part-time persons, the latter are students. The staff are primarily Indian, with 5 of the 52 staff non-Indian.

Many of our children are in dire need. But you know that by now. The statistics about Indian children have been well documented in the Senate subcommittee report entitled "Indian Education: A National Tragedy--A National Challenge" (1969). Our children's needs do not cease when they enter the urban area. On the contrary, their needs increase, diversify and proliferate if they change at all. We mention this to quiet the notion that urban Indian children should not receive funds to meet their special educational needs. We have heard the remarks, (well meant) that infer urban Indian children have no need for special funds; that all funds should go to reservation children. We believe very firmly that reservation children have urgent problems, urgent needs; but our children have the same needs. Our children do not lose their Indian identity, or cultural differential at the borders of towns and cities. They face problems in schools as reservation children do. If you have questions on this matter, we as parents, teachers and urban Indian students would be pleased to provide documentation and further discussion on this matter.

What is important about Title IV?

In a meeting held to discuss our written testimony, we agreed the most important thing about Title IV was/is that Indian parents within the structure of the Parent Committee have the opportunity to make decisions how to spend money on the education of their children. We realize these expenditures may not meet the full glare of educational research, but during the process of making decisions about Title IV expenditures, Indian Parent Committees are learning while admitting mistakes may be made. Given time, Indian Parent Committees may even get as proficient at spending money (as wisely) as other people spending government money. We promise you this, we will not do worse!

It is important too, that Indian parents, Indian staff, Indian students and Indian citizens are learning it is okay to speak out even if mistakes are made in the process. This may seem a little gain, but given our history of interaction with non-Indians it truly is a tremendous gain! With little steps such as these, we take giant steps in fostering better education for our Indian children who are and have been (for a number of years) citizens of the United States.

Our recommendations for Title IV

1. Please continue Title IV. It's one of the best things you ever did!

2. Please consider full funding; if not full funding, at least 50% funding.

3. Consider a change to allow the Parent Committee to receive some sort of compensation (when appropriate). Our reasoning is this:

   > The Parent Committee is a voluntary group of people. Under the legislation they must do much work, and make important decisions. The parents work during the day at jobs that do not allow time off without losing salary they must have to feed and house their children. If they are to do the job they could do, they must be able to take time off occasionally, or attend a training session, or a conference. GAO regulations do not allow for compensation at the present time. Could the Indian Education Act be exempt from this regulation under given, appropriate circumstances?

4. Make provisions to allow Title IV funds to be concentrated among children with heaviest needs. All of our children have needs, but needs are relative. Some children have dire needs compared to others. We should not be forced to make attempts to serve all children counted (for purposes of the act).

5. If and when any changes are made in the rules, regulations, please make provisions that mandate consultation with program participants. We know the rules and regulations and we know where some changes could be made that would benefit the Indian Education Act.

What has Title IV accomplished?

Our program, in our opinion, has accomplished a very important goal in the lives of Indian people. We have created an atmosphere that allows the kids to feel better in school. We expect to go on from there. That is an important first step. We have made them feel better because we have provided Indian staff who understand them, know how to talk to them, how to discipline them, how to talk to their moms and dads, how to act in Indian homes, how to behave toward important elders in our community. Indian staff care enough about Indian children to expect them to do better in school, and more important, how to get the child to accept these expectations.

We can also document some real changes in attendance patterns among our Indian children. Because of our program, our children are learning how to go to school on a daily basis. As a staff member said recently, "those kids know if they don't come to school, I'll be out and be asking them why? I'll be coming to their house, or see them on the streets, and maybe they come to school to get me off their backs, but they are coming to school." We cannot yet say that the attendance for Indian children has increased in large numbers, but we can say absence patterns are not getting worse. This is important to us.

We are also able to offer clear statistics about our children. These statistics have either not been available in the past or they were unreliable. We know where the children are, we know where they are enrolled (tribe), whether they speak an Indian language and we have recently set up a process whereby we can provide hard figures about their drop-out rate. This is because we know where they go when they leave the public schools. This may seem like a little gain. It is not. We are making great strides in describing our Indian population so we Indians can more easily make decisions on how to better serve their needs. And, we can advise others in the schools who are trying to educate our children.

We realize written testimony for the record ought to be kept brief therefore we will not take up your time with tables, statistics, reports, or educational jargon. We provide such items to the Office of Indian Education on a regular basis. We do wish to restate for emphasis two things in closing:

> *Title IV the Indian Education Act of 1972 is needed, it must be continued and it must be strengthened.*
>
> *Title IV legislation testimony should be taken from practitioners in the programs. Ask Indian parents about Title IV.*

Thank you for this opportunity to have our brief remarks included in the written record.

Sincerely,

R Christensen

Rosemary Christensen
Project Director
on behalf of and for the Minneapolis Indian Parent Committee, staff and the Department of Indian Education, Minneapolis public schools

RC/ds

Personalized Assistance for Indian Students

The Cooperative Indian Education Program, funded under the Indian Educational Act of 1972, is administered by the ESD #121, the Parent Committee, and the eight cooperating school districts. The services provided under this Program are designed to meet the special educational needs of 608 Indian students. The Program has completed its third year of administration through the Educational Service District.

The project is located in the non-metropolitan areas of King and Pierce County, Washington, which are located in the Puget Sound region of Northwestern Washington.

A survey completed with the 1977-1978 census indicates there are 8 major Tribal Affiliations and 15 minor tribal affiliations of the six hundred eight students located within the Educational Service District No. 121 boundaries and participating in this project.

Based upon public hearings and parent surveys, four priority areas were established for the Program in the 1976-77 year. These four areas are(1) improved performance in the basic skills areas, (2) enhancement of the student's cultural knowledge, (3) assistance in career planning, and (4) assistance in court liaison and counseling.

Concerns for Title IV

We feel that the Statement of Purpose should be expanded to include "to meet Special Cultural and Educational needs of Indian Students".

The Educational Service District No. 121 staff and Parent Committee feel the major emphasis should be education for the Indian Child found in the Public Schools. Tutoring has helped many of our students succeed and finish school. Approximately 85% of the students who have completed High School have gone into college. This figure is drastically higher than the 26%* that is the national norm for Indian students completing high school and I can assure you our rate of college completion will be higher than the 1.0%* national norm for Indian Rural Students completing a four year course.

Indian Culture is another important aspect of the Indian childs education, they learn about Indian Heritage and improve their own self esteme. They become acquainted with Indian people in their own school setting and have people to identify with. The Non-Indian population sees Indian people in a relastic manner which may improve their stereotype often portrated in movies and television.

Parents should be encouraged to participate in Culture Class both in the classroom as well as after school activities. Indian Parents have not been comfortable in the school setting due to their bias from the education they received.

We feel the present act should be revised to include Community involvement, whether ist be a LEA School, B.I.A. School or Title IV project. Our Parent Committee is a 16 member board with two representatives from each school District we serve. Several of our parents drive 70 miles to attend a meeting, if the act was revised to include more parent participation, we could reimburse the people who cannot afford to travel. The Title IV Project believes that child development as well as education starts in the family and continues in school. It is a joint responsibility of the home, community, school and if there is an affliation their tribe, with each contributing in its own way without interferring in the educational growth of Indian Students. We want a good social, academic and psychological experience for our Indian children, therefore we need better parent/community cooperation. More funding and lengthier programs are needed, as experienced in the existing programs has shown that significant success would be attained if these programs were funded for longer periods of time. This year we are spending $132.00 per student, if their is extensive tutoring you can add $400.00 more andthis cost is extremely low, with additional funds we could develop a broader program with more accountability.

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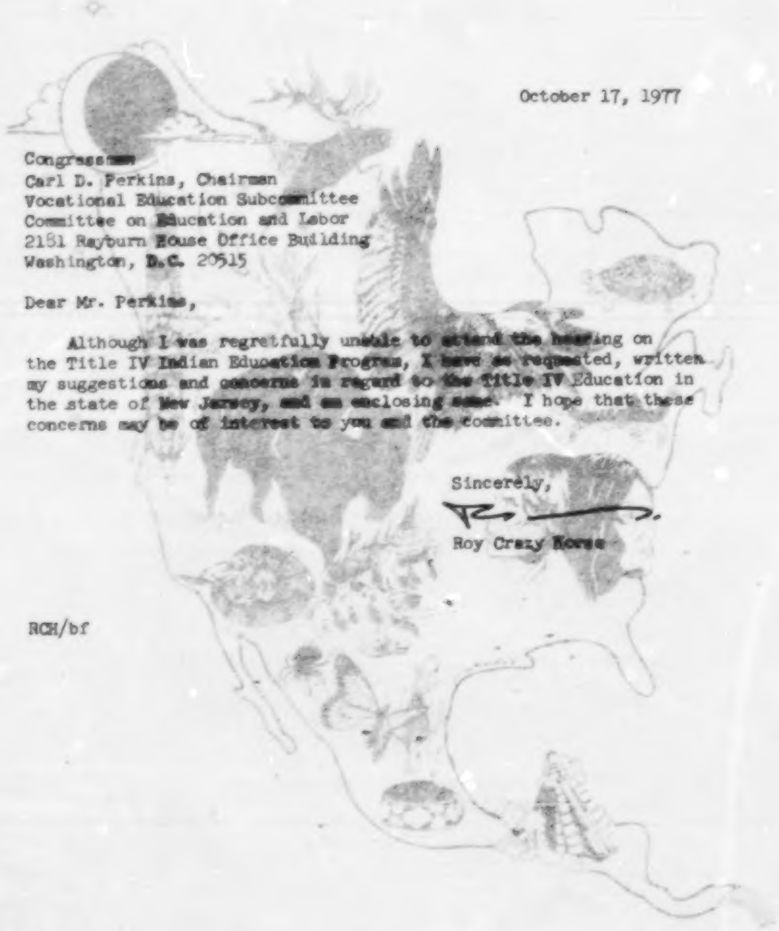
*U.S. Bureau of Census by Urban/rural

This project feels that an outside third party evaluation should become a requirement for all Title IV projects and the present act amended to include evaluation. To date, we have been forced to accept technical assistance, which for the most part has not helped the project or encouraged the staff to develop new skills. We in turn, have taken part ofour allocated funds and used them for evaluation, which has set up a management system, Pre and Post Testing for all students we work with, constant monitoring to make sure we reach our goals and objectives.

Title IV has helped many Indian students, their families and I strongly urge you to help us re-enact the Title IV legislation provide more funding so we can continue to educate Indian children in a positive manner, making their school experience rewarding, so they can later succeed in life.

POWHATAN NATION



October 17, 1977

Congressman
Carl D. Perkins, Chairman
Vocational Education Subcommittee
Committee on Education and Labor
2181 Rayburn House Office Building
Washington, D.C. 20515

Dear Mr. Perkins,

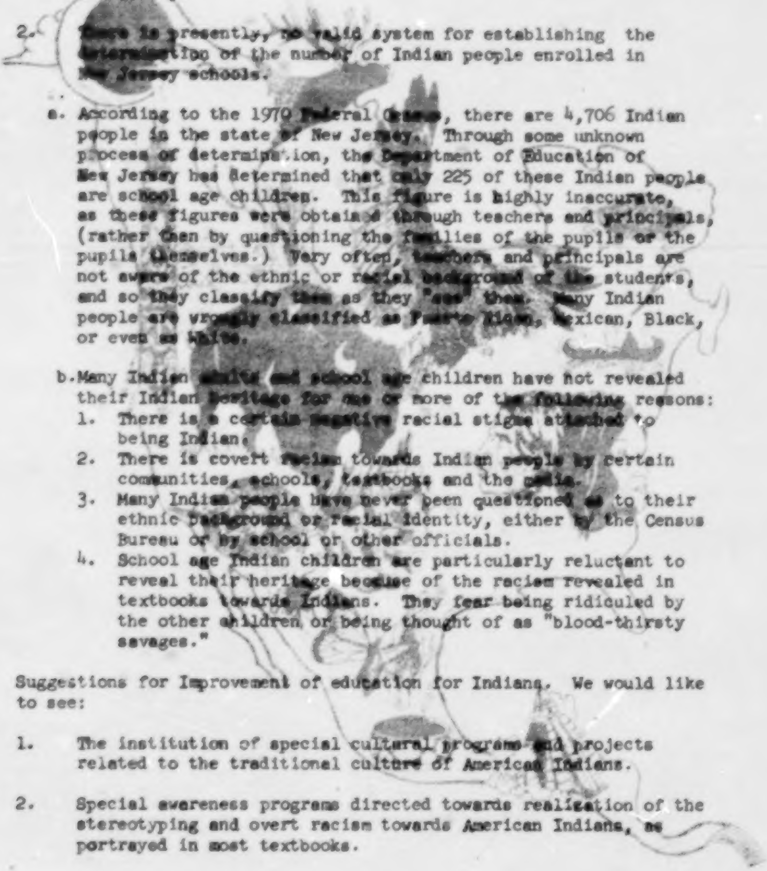
Although I was regretfully unable to attend the hearing on the Title IV Indian Education Program, I have as requested, written my suggestions and concerns in regard to the Title IV Education in the state of New Jersey, and am enclosing same. I hope that these concerns may be of interest to you and the committee.

Sincerely,

Roy Crazy Horse

RCH/bf

POWHATAN NATION



TITLE IV Indian Education Act

Defiencies in the State of New Jersey:

1. No Title IV Grants have been applied for by any educational system, either local, regional, or state, in the state of New Jersey.

2. There is presently, no valid system for establishing the determination of the number of Indian people enrolled in New Jersey schools.

   a. According to the 1970 Federal Census, there are 4,706 Indian people in the state of New Jersey. Through some unknown process of determination, the Department of Education of New Jersey has determined that only 225 of these Indian people are school age children. This figure is highly inaccurate, as these figures were obtained through teachers and principals, (rather than by questioning the families of the pupils or the pupils themselves.) Very often, teachers and principals are not aware of the ethnic or racial background of the students, and so they classify them as they "see" them. Many Indian people are wrongly classified as Puerto Rican, Mexican, Black, or even as White.

   b. Many Indian adults and school age children have not revealed their Indian heritage for one or more of the following reasons:
      1. There is a certain negative racial stigma attached to being Indian.
      2. There is covert racism towards Indian people by certain communities, schools, textbooks and the media.
      3. Many Indian people have never been questioned as to their ethnic background or racial identity, either by the Census Bureau or by school or other officials.
      4. School age Indian children are particularly reluctant to reveal their heritage because of the racism revealed in textbooks towards Indians. They fear being ridiculed by the other children or being thought of as "blood-thirsty savages."

Suggestions for Improvement of education for Indians. We would like to see:

1. The institution of special cultural programs and projects related to the traditional culture of American Indians.

2. Special awareness programs directed towards realization of the stereotyping and overt racism towards American Indians, as portrayed in most textbooks.

3. The availability of specially trained and qualified counselors for the unique problems of Indian children.

4. The utilization of more Indian people as teachers, aides, counselors and other positions.

5. The elimination of instructional materials or other printed, audiovisual or published materials which portray the American Indian in a negative tone.

In conclusion, we have had communication with several educational institutions within the state of New Jersey. These institutions have agreed to consider our request that a more accurate system be devised for determining the number of Indian people enrolled in their facilities. If this system could be devised and instituted in all educational facilities throughout the state of New Jersey, we could then have a more accurate figure representing the number of Indian people who are entitled to, and in need of the Title IV Program in the state of New Jersey.

Sincerely,

Roy Crazy Horse

[illegible]
[illegible]

104 North 4th Avenue Yakima, Washington 98902

D.D. Davidson, Business Manager 575-3346
Helen Peterson, Exec. Dir. Instr. Services 575-3323
Larry L. Perry, Director Personnel 575-3228
Robert A. Kollman, Manager, Federal Programs [illegible]-3332
Jerry Hansen, Dir. Adm. Services 575-3130

October 6, 1977

Dr. Gerald Gipp
Deputy Commissioner of Indian Education
U.S. Office of Indian Education

Dear Dr. Gipp:

Attached are the minutes of our meeting in Dallas on the Office of Indian Education Title IV recommendations. Joan LaFrance of the United Indians of All Tribes Foundation in Seattle was kind enough to record our proceedings and comments. I've compared her notes to the few I was able to take and found nothing of great impact to add.

I hope this will fulfill your request. I am preparing written testimony for the House and Labor Committee Task Force. A copy will be sent to you for any use you may find for it.

It was a pleasure to meet and work with you.

Sincerely,

Margaret

Margaret L. Rogers, Director
Indian Education Program

Attachment
MR/mj

Education Concerns Committee
National Congress of American Indians
Sub-Committee on Title IV, Indian Education Act
Title IV Amendments - Margaret Rogers
Dr. Gerald Gipp

* *

Margaret Rogers introduced Dr. Gipp. He distributed suggested amendments to Title IV legislation. These suggestions were developed by a Task Force within H.E.W. These recommendations will be reviewed by Dr. Mary Berry at the end of September. The purpose of the N.C.A.I. presentation this evening is to get Indian feedback on the direction of the recommendations. Any comments on the recommendations from the field should be sent to Dr. Gipp. Dr. Gipp introduced Herb Jacobson from the Office of Indian Education who led the discussion on the resolutions.

Issue 1 - Change wording of the law to include special cultural needs, in addition to special educational needs. The cultural needs would not be mandatory.

Comments: This issue seemed adequate, little discussion was needed.

Issue 2 - Increase the number of eligible students for Part A from 10 to 25 and set a floor on Part A grants of $5,000.

Comments: Considerable opposition expressed to easing the number from 10 to 25 students.
The Office of Indian Education rationale for the change included the advantages of eliminating administrative work load and the establishment of a floor considered to be the minimum deemed adequate to be of any good to run a project.
Arguments against rationale included:

1.) Basis of act was need of the child and 10 children can have same need as 25 children.

2.) Oklahoma, California and Alaska are currently exempt from the 10 student floor and would definitely want to retain some exempt status in any change of eligibility numbers.

3.) The Office of Indian Education reported that there was no increase in applications from districts with 10 to 25 students. Currently 79 schools fall within the under-25 range that would become ineligible if the number were raised. Concerns regarding this information were:

A. If no significant increase in applications has occured why bother to change the number in order to reduce an administrative work load?

B. In small schools it may take a few years to convince the Local Education Agency that Title IV is a beneficial program to take time to administer.

C. The benefits of an opportunity to form a Parent Committee in small schools where Local Education Agency's are frequently uncooperative was seen as more important than losing this opportunity by raising the number of eligible students.

Herb Jacobson stated he would not recommend the eligible level be maintained, but that the floor of amount be set at $5,000 if it would be possible to do this without putting too much imbalance in the entitlement formula.

Issue 3 - Creating a new section to authorize money for research in the field of Indian education.

Comments: Strong opposition was expressed against allowing organizations like National Indian Education, etc. to receive research funds, since these organizations have been insensitive in their research efforts. Suggested that the Office of Indian Education be mandated to function under 7B of the Indian Self-Determination Act. Thus insuring that Indians could receive these research dollars.

It was recommended that N.C.A.I. draft a strong resolution calling for National Indian Education to free money from its own budget for meaningful Indian research. Considerable discussion took place on the evaluation contract award Community Technology Corporation to evaluate Title IV. Participants were [illegible] that Office of Indian Education money was used when a statement had been made by Community Technology Corporation that Office of Indian Education money would not be used. Concern was expressed that evaluation money should be going to Indians. It was explained that the funding in question was put into the contract _after_ the Community Technology Corporation statement was made.

Issue 4 - Create a separate section under Part B for Technical Assistance.

Comments: The proposed amendment allows State Education Agencies to get Technical Assistance Grants for Part A programs. Considerable opposition was expressed to having State Agencies deliver Technical Assistance. Rationale of Office of Indian Education was that states are now left out of any process in the Office of Indian Education and perhaps it would be beneficial to involve them. Suggestions offered were to have states have the opportunity to apply for discretionary funding. Another suggestion was that applicant states would have to have the endorsement of Part A programs within the state.

It was suggested that Indian input be sought before planning the Technical Assistance thrust of Office of Indian Education. Another suggestion was that Technical Assistance Grants be given to tribal groups.

Concern was expressed that Technical Assistance be defined - Does it mean proposal writing, compliance assistance, parent committee education, curriculum development assistance, etc.

Issue 5 - Split of B sections to include three sections: Technical Assistance; Service Projects and Inovative, Pilot, Demonstration Projects.

Comments: Time limitations prevented much discussion of this amendment. Herb Jacobson discussed the priority within the Office of Indian Education was to get the word out to tribal groups about the other service program dollars available to Indian people and to get better Office of Indian Education coordination between the services available to Indian people.

Items not recommended to change -

1.) Non-LEA set-aside of 10% will remain the same. Office of Indian Education checked with Coalition of Indian Controlled School Boards on this matter.
2.) Part A will remain on an entitlement basis.

Herb Jacobson recommended Indian people express their feelings in writting about Title IV. The Office of Indian Education needs as many written positions as possible to support Indian stands. Key people to contact are the members of the House Interior Appropriations Committee:

1.) Representative Yates - Illinois - Chairperson
2.) McKay - Pennsylvania
3.) McKay - Utah
4.) Duncan - Oregon
5.) ?

TESTIMONY TO THE SUB-COMMITTEE
ON

ELEMENTARY, SECONDARY AND VOCATIONAL EDUCATION
IN CONJUNCTION WITH THE
ADVISORY STUDY GROUP ON INDIAN EDUCATION

FOR

OVERSIGHT HEARINGS ON INDIAN EDUCATION

P.L. 92-318 THE INDIAN EDUCATION ACT, 1972

MARGARET L. ROGERS

Members of the Sub-Committee on Elementary,
Secondary and Vocational Education,
and
Members of the Advisory Study Group on Indian Education

It is a privilege to have the opportunity to present my concerns about Indian education for your consideration. I thank you for offering that opportunity.

This testimony is the result of input by members of many organizations including N.C.A.I., N.A.C.I.E., N.I.E.A. and N.T.C.A. at the Indian Education Concerns Committee field hearings held in Dallas, Texas, September 19, 1977 on Title IV. It is the result of much sacrifice of personal time, cost and effort by people who are deeply dedicated to improving the educational experience of our children in public school systems. The united voice of these national Indian organizations is one which must be regarded as "Indian input" of primary significance. The joint testimony concept has my wholehearted support.

For your further consideration, I present one additional concern relating to a recommendation from the Office of Indian Education that State Education Departments be considered as possible dispensers of technical assistance to local education agency grantees. Based on observations of many project operations throughout the country, on personal experience on the local program level, and on cold, hard historical and presently existing fact, to give SEA's such responsibility at this time would be unfair in most instances to both the SEA and the Indian Education Program. In many instances SEA's are not informed about the Indians in their states. They do not recognize the existence of special educational and cultural needs; they are unaware of the history of Indian education and its impact on the current education situation. Consequently SEA's are not always supportive of special programs for improving the education of Indian children. Without State and local sanction to operate in the sometimes unusual ways in which we must, we are often locked in to doing what school systems have always done.

The same public school treatment that failed us, failed our children, our parents and our grandparents for years is applied to Indian Education programs. Historically, the process was one of molding the child to the system rather than developing a special flexibility to meet the child's needs. In many instances, Indian Education Programs are being forced to minimal performance, frustration and/or failure by the same requirements. In essence state and local agencies are saying, "Our policies, our budget requirements, our rules and regulations are all represented by round holes. We recognize that your program is different, and that your policies, your budget requirements, your rules and regulations are represented by square pegs. However, we require that all programs to fit precisely into the round holes of our system without exception."

Such requirements destroy the needed autonomy for a program to meet the unique intent of the Title IV legislation. The usual school system practices and policies may be completely suitable as applied to teachers, counselors, principals and other traditional LEA staff, but fall far short of meeting the kinds of personnel and activities of many Indian education programs. In order to address the special educational and cultural needs of American Indian students, it is often necessary to use approaches which are unusual to the traditional educational system. It is important that policy and decision makers recognize the need and take steps to correct the situation. For too long indians have been programmed to the system rather than vice-verse; this must not be allowed to happen to the Title IV program.

The delivery of technical assistance by State Education Agencies in the future does not seem completely infeasible. However it would be my recommendation that the following be accomplished whether for the sake of State technical assistance delivery or for improved Indian Education Program operations:

1. State policies on Indian Education must make and follow through on a total committment to support and assist Indian education programs:
    a. By providing high level State Department Indian staff who are keenly aware of reservation, urban and rural Indian situations, cultural differences and the total Indian education experience. State Indian staff should be the liason between Indian education programs and the State Department.
    b. By informing State Congressmen, and Chief State School Officers of the need for, the existence of, and the progress made by Title IV since its implementation in 1972 to gain their understanding and support.
    c. By allowing a sufficient flexibility in State and local policies and regulations to permit the attainment of the level of autonomy required to maintain the unique intent of P.L. 92-318.

d. By increasing the Indian knowledge base of State legislators, Chief state school officers and LEA administrators and school boards, Policy and decision makers must become more sensitive to our childrens special cultural and educational needs. They must know where Indians are located within their states and the compostion of their tribal membership. They need to be able to recognize the wide diversities of cultures, economies, life-styles and needs which exist among American Indians in their states.

Until we find support from policy makers on state and local levels, we will continue to function at less than full potential.

The processes used to attain these ends must certainly involve American Indian people - whether the process is to be by contract, by legislative change or other means.

Your solicitation of testimony and recommendations from Indian country on changes affecting our lives is appreciated by all of us. Thank you.

Respectfully submitted,

Margaret L. Rogers
Director, Title IV Indian Education
Yakima School District #7

Member of the Nez Perce Tribe

Chairperson-NCAI Title IV Sub-Committee